

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3589 of 2017

Akash Sharma S/o Late Shri Ashok Sharma, Aged About 42 Years R/o S F /696
C.S.E.B. Colony East Outpost Rampur, Police Station Kotwali, District Korba,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through In Charge Officer, Outpost Rampur, Police Station
City Kotwali, Korba Chhattisgarh.

---- Respondent

Shri R.S.Marhas, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

Heard.

This is second bail application. First bail application was rejected by this Court.

The applicant has been arrested in connection with Crime No.211/2016 registered in Police Outpost - Rampur, Police Station -City Kotwali, Korba (CG) for alleged commission of offences under Section 363, 368, 376, 376-D, 370, 370-A, 372 and 201 R/w Section 34 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. Though case diary is not available, learned counsel for the applicant submits that the co-accused, Umesh Sharma - similarly situated was granted bail by this Court on 18/05/2017 in MCRC No.2164/2017. It is argued that the prosecutrix has now been examined before the Trial Court and she has not involved the applicant in the alleged commission of offence and has refused to even recognize the applicant during trial. He further submits that as the prosecutrix has not supported the case of the prosecution, grant of bail to the

applicant would not adversely affect the progress and fair conduct of trial and there is no likelihood of applicant tampering with the prosecution witnesses.

3. On the other hand, learned State counsel opposes bail application and submits that the applicant is being tried for commission of heinous offence and there are allegations that the prosecutrix was subjected to rape and large number of persons have been involved and the applicant was made one of the accused.

4. Considering the submission, particularly taking into consideration the period of detention and also taking into consideration that the prosecutrix has been examined and submission of learned counsel for the applicant that the prosecutrix has not involved the applicant in the alleged commission of offence and refused to identify him during trial and that the co-accused - Umesh Sharma has already been granted bail by this Court on 18/05/2017 in MCrC No.2164/2017, I am inclined to grant bail to the applicant.

5. Accordingly, this application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge