

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6135 of 2017

- Venkatesh S/o Somaiya, Aged About 40 Years R/o Village Kodapakha, Police Station & Tehsil Durgukondal District South Bastar Kanker, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Police Station Durgukondal District South Bastar Kanker, Chhattisgarh

--- Respondent

For Petitioner	:	Shri BD Guru, Advocate
For Respondents	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.12/2017 registered at Police Station Durgukondal, District South Bastar Kanker for the offence punishable under Section 458, 342, 376, 323. 294, 506, 34 of IPC.

3. Case of the prosecution is that the co-accused Gajendra Kumar and Hansraj entered the house of the prosecutrix and thereafter, they had taken the prosecutrix where along with other persons, Gajendra committed rape on the prosecutrix. Allegation against the applicant is that the present applicant, Krishna Jain and Chandra Vijay Jain had hired Gajendra and Hansraj to commit murder of the husband of the prosecutrix but they did not find husband of the prosecutrix, they took away his wife and committed rape on her.

4. Learned counsel for the applicant submitted that the applicant has been arrested and charge sheet has been filed without there being legally admissible evidence, connects with the alleged commission of offence. He also submits that on the basis of memorandum statement of co-accused, the applicant is

being involved in this case, except this, there is no other evidence.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that memorandum statement of the co-accused clearly indicates that the applicants and two other co-accused hired Gajadhar and Hansraj one of whom committed rape on the prosecutrix.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the applicant has been involved on the basis of memorandum statement of co-accused and that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

Sd/-

(**Manindra Mohan Shrivastava**)

J U D G E