

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1309 of 2018

1. Sukhdev S/o Dhannu Netam, Aged About 22 Years, Caste- Gond, R/o- Devgaon, Police Station Dhanora, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh
2. Mahendra @ Arjun S/o Mahra Salam, Aged About 21 Years, Caste- Gond, R/o.- Gawadi, Police Station Dhanora, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through- Station House Officer, Police of Police Station Dhanora, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicants – Shri S.K. Agrawal, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicant has been arrested on 19-06-2017 in connection with Crime No.12/2017 registered at P.S. - Dhanora, District- Kondagaon, Chhattisgarh for the offence under Section 370(5) of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 19-06-2017. Charge sheet has been filed after completion of the investigation. So far the witnesses who have been examined, all of them have been declared hostile for not supporting the case of prosecution. Witnesses namely Guddu Ram, Ram Prasad and Sagaram are the fathers of the minor victims and victim Siyalal and Kumar Singh have also been examined, all of them have not supported the case of prosecution, hence, it is prayed that the applicants may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that all the witnesses according to the list in prosecution case have not been examined, hence, the applicants are not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As the case is, these applicants allured the victims in this case that they can arrange labour work for which they will get attractive returns by way of remuneration. Getting allured the victims accompanied both the applicants, but information was given to the police and the applicants were apprehended along with the victims in their custody. Hence, this case.

6. Taking into consideration the statement of the witnesses that have been examined before the trial Court so far and also the fact that no purpose would be served if the applicant is kept in continuous detention till conclusion of the trial, I am of this view that these applicants should be released on bail during pendency of the trial against them.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge