

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3817 of 2018**

- Ramsingh Netam S/o Mr. Dharam Singh Netam Aged About 35 Years R/o Rajgari Para, Kondagaon, Tehsil And District-Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Raza Ali, Advocate
For respondent/State	: Shri Sanjeev Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****25.6.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 10.6.2017 in connection with Crime No.144/2017, registered at Police Station Kondagaon District-Kondagaon (CG) for the offence punishable under Section 376 of the Indian Penal Code and under Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that a report has been lodged against the applicant that he committed rape with minor prosecutrix prior to two months of lodging the report.

3. Learned counsel for the applicant submits that prosecutrix (PW-2), her mother Geeta Markande (PW-3) and her father Peelaram Markande (PW-4) have been examined before the trial

Court, but they have not supported the version of the prosecution, therefore, the applicant may be released on bail

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the fact that the material witnesses have been examined before the trial Court and they have not supported the basic version of the prosecution, this Court is of the opinion that it is a fit case to enlarge the applicant on bail.

7. Accordingly, application filed under Section 439 of the CrPC is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)

JUDGE