

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4559 of 2018

- Santosh Nirmalkar S/o Late Rajkumar Nirmalkar Aged About 22 Years
R/o- Tikrapara, Dhamtari, District- Dhamtari, Chhattisgarh., District :
Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Dhamtari, District-
Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ravi K. Bhagat, Advocate.
For Respondent	:	Mrs.Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.77/2018 registered at Police Station– Dhamtari District– Dhamtari(C.G.) for the offence punishable under Section 120-B & 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The charge that has been framed against this applicant is only under Section 120B read with Section 34 of IPC, whereas for framing charge under Section 120B it is necessary to add the offence which was committed as a result of that conspiracy, which

is missing in the present case. Hence, it is prayed that no case is made out against this applicant.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant supplied information to the main accused enabling him to commit the offence and accordingly the offence in question has been committed by co-accused persons. Hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant is this, that he gave information to the main accused Hemant Dhruw that the victim is alone in her house and thereafter co-accused committed house trespass in the house of the victim and then outraged the modesty of minor victim and also attempted to cause her death for which co-accused has been charged separately. Hence, this case.
6. After due consideration on all the material present in the case diary and finding that this applicant has not participated in the commission of rest of the offence, for this reason, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

