

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5102 of 2018

- Kedarnath Netam S/o Late Somdas Netam Aged About 34 Years R/o Village Chhamapur, Chhinari, Schoolpara, Chowki Bakawand Tahsil Bakawand Distt. Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhanpuri Distt. Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Sanjay Pathak, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2018

This is repeat bail application. Earlier bail application was dismissed as withdrawn.

1. The applicant has been arrested in connection with Crime No.165/2017 registered at Police Station- Bhanpuri, District - Bastar (C.G.) for alleged commission of offences under Sections 342, 376 (d) of IPC.
2. It is alleged that applicant was involved in gang rape of the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated, infact, he was one who saved the victim. It is next submitted that now the victim has been examined in the Court and she has clearly stated that the applicant has not committed any offence rather he was her savior. The certified copy of the deposition of the witness has also been filed.
4. On the other hand, learned State counsel opposes bail application and

submits that taking into consideration that the gravity of allegation of gang rape by the accused including the present applicant, at this stage, the applicant may not be granted bail.

5. I have considered the submission of learned counsel for the parties.

6. The copy of deposition of the prosecutrix herself has been placed on record as Annexure A/3. The submission of learned counsel for the applicant that the applicant is not involved but he was the savior, is also *prima facie* reflected from the statements. Therefore, in these circumstances, as the prosecutrix has been examined in the case and the kind of statement which has been given in so far as present applicant is concerned, I am inclined to grant bail to the applicant.

7. Accordingly, the 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.25,000/- along with one local surety for the like amount to the satisfaction of the concerned Trial Court, with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

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