

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.7465 of 2018**

Ramesh Kumar Dhuri, S/o Lachchiram Dhuri, Aged about 24 years,
Occupation-Driver, R/o Village Nawagan, Post Amora, P.s. Jarahagaon,
District Mungeli (CG)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Masturi, District Bilaspur (CG)

---Non-Applicant

For Applicant	:	Mrs.Renu Kochar, Advocate
For Non-Applicant	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

31/10/2018

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.423/2018, registered at Police Station-Masturi, District-Bilaspur (CG), for the offence punishable under Sections 363, 354 and 34 of the IPC and Section 8 of the Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that the applicant and co-accused Tilak kidnapped the complainant, forced her in car and outraged her modesty and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that he is simply

driver and all the acts were done by co-accused Tulsi, he is in custody since 17.9.2018 and charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that co-accused Tulsi in collusion with the present applicant in furtherance with common intention committed the aforesaid offence.

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, the fact that the present applicant is driver, his pre-trial detention and substantive investigation has been done, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-