

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7542 of 2017

- Satesh Ram @ Satyesh Prasad S/o Late Shri Parikha Ram, Aged About 40 Years R/o Nagar Utari, Police Station Nagar Utari, District Gadhawa Jharkhand, Present Address Annapurna Dal Bhat Kendra Wrongly Mentioned As Annapurna Jalpan Kendra In The Impugned Order Dated 23.08.2017 Bus Stand Wadrafnagar, Police Outpost Wadrafnagar, Police Station Basantpur, District Balrampur, Chhattisgarh, Chhattisgarh.

---Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Basantpur, District Balrampur, Chhattisgarh, Chhattisgarh.

---- Respondent

For the applicant : Shri Rishi Rahul Soni,
Advocate

For the Respondent/State : Shri Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29.01.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 135/2016 registered at Police Station – Basantpur, District

– Balrampur, (C.G), for the offence under Section 363/34 of the Indian Penal Code, under Section 342 of I.P.C and in alternative under Section 6 of the Protection of Children From Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 17.12.2016. The prosecutrix in this case turned hostile before the trial Court and not supported the prosecution case, no case is made out against this applicant. Three co-accused in this case have been granted bail by the co-ordinate Bench of this Court, hence, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and submissions made.
4. Heard counsel for both the parties and perused the case diary.
5. As the case, on the date of incident when prosecutrix was waiting for bus in Wadrafnagar. 3-4 persons forcefully took her and went to the hotel where all the persons raped her. On the information given, the FIR has been lodged against the present applicant and other co-accused persons. The age of the prosecutrix according to the prosecution documents is below 18 years.
6. Perused the certified copy of the statement of the prosecutrix before the trial Court, as prosecutrix has turned hostile and not supported the prosecution case. Further taking into consideration that the co-accused in this case have been granted bail by the co-ordinate Bench of this Court, for this

reason I am of the opinion that this is a fit case where the applicant is entitled for grant of 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 his 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

Jamal