

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8173 of 2017

- Subedi Ram @ Bhuru S/o Late Ramauram Nishad, Aged About 50 Years R/o Shukladih P. S. Ranitarai District Durg, Civil And Revenue District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Ranitarai, District Durg Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Shri Avinash C Sahu, Advocate
For Respondent/State	:	Shri Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board

01.03.2018

1) This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court. He is arrested in connection with Crime No. 169 of 2017 registered in Police Station Ranitarai, district Durg (CG) for offences punishable under Section 354 the IPC and Section 12 of the POSCO Act.

2) Case of the prosecution, in brief, is that prosecutrix is a child aged about 7 years and resident of village Shukladih. On 19.11.2017 father of the prosecutrix- Rechram found that his daughter is not at home and made a search for her. During the search, he found that the prosecutrix, one other girl and the present applicant were sitting near the Primary School. The prosecutrix told her father that the applicant took away them

in a darker place, gave two rupees to the prosecutrix saying that he would do wrong work with her.

3) In the statement of the prosecutrix recorded under Section 164 of the CrPC it has not been mentioned about the above saying of the applicant.

4) Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case; charge-sheet has also been filed and he is in custody since 20.11.2017 and Criminal Case against the applicant may take long time for its final disposal. Therefore, the present applicant may be released on bail.

5) On the other hand, the learned Panel Lawyer for the State opposed the bail application.

6) Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the CrPC to the present applicant.

7) Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on furnishing two solvent sureties for a sum of Rs.10,000/- each with one personal bond of Rs.20,000/- to the satisfaction of concerned trial Court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge