

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3910 of 2019

- Kamlesh Markam S/o Dhansuram, Aged About 25 Years, R/o Village-Odkapara Baderajpur, Police Station- Vishrampuri, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through The Police Station- Vishrampuri, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-03-2019 in connection with Crime No.18/2019 registered at P.S. - Vishrampuri, District- Kondagaon, Chhattisgarh for the offence under Section 307 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 16-03-2019. No case is made out against the applicant. The complainant and other witnesses have been examined before the trial Court and none of them have supported the prosecution case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on the date of incident this applicant caught hold of victim Karishma Korram aged about 3 years and threw her in a

well and ran away. Father of the victim and other witnesses rescued the child and the FIR has been lodged in this case.

6. On perusal of the certified copy of the deposition of the witnesses filed along with the application, it appears that the lodger of the FIR Hemlal (PW-1) as well as other witnesses examined before the trial Court have not made a single statement against the applicant as to that he was the person who threw the girl into the well, because of which all of them have been declared hostile. Looking to the development that has taken place, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge