

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1499 of 2020

- Kamlesh Netam S/o Dan Sai Netam, Aged About 24 Years, R/o Village Nayapara, Borgaon, P.S. Farasgaon, District Kondagaon, Chhattisgarh, District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Farasgaon, District Kondagaon, Chhattisgarh, District : Kondagaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Mukesh Shrivastava, Advocate.

For Non-applicant/State – Shri Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-06-2020

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 12-05-2019 in connection with Crime No.37/2019 registered at Police Station - Farasgaon, District Kondagaon, Chhattisgarh for the offence under Section 302, 363, 376(D) of the IPC and Section 4 & 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The important and material witnesses have been examined in the trial and none of them have made any statement against this applicant. The witnesses of last seen together namely Savitri Netam (PW-2) and Shivkumar Markam (PW-5) have not given any statement against this applicant. Similarly, the witnesses of memorandum on the basis of which this prosecution has been initiated have also turned hostile. Therefore, nothing is left to be established against this applicant. Therefore, it is prayed that the applicant may be granted bail.

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

and submits that although the material witnesses have been examined in this case, but the IO and other witnesses of investigation are yet to be examined, therefore, conclusion of non-culpability of the applicant cannot be drawn at this stage. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, the deceased/minor prosecutrix left her house in the night of the date of incident and did not come back. Her body was found. The police registered the mere intimation and also the FIR regarding commission of offence of abduction, rape and murder. After completion of the investigation charge sheet has been filed against this applicant and one another.

6. Copy of the depositions of the witnesses examined have been filed along with the bail petition and on perusal of the same, I am of this view that some development has taken place because of which the applicant should be granted relief of bail.

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