

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2464 of 2021

- Kartik Shankar Markam S/o Shri Harishchand Markam, Aged About 25 Years, R/o Village Jamgala P. S. and Tahsil- Lakhanpur District- Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Lakhanpur District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Sunil Tripathi, Advocate.

For State/Non-applicant – Smt. Fouzia Mirza, Additional Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-05-2021

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 27-01-2021 in connection with Crime No.11/2021 registered at P.S. - Lakhanpur, District Surguja, Chhattisgarh for the offence under Section 294, 323, 354, 394, 395, 345 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The FIR and the statement of the victim does not mention regarding commission of any offence by this applicant. Therefore, there is no case against him. He is in jail since 27-01-2021. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the presence of diary statement against this applicant, he is no entitlement for grant of bail.

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

5. According to the prosecution case, on the date of incident the prosecutrix had been to a chhatti ceremony with her husband, where her

husband had some argument with other co-accused persons and he was beaten by them. In the later event modesty of the victim was outraged by co-accused persons. The allegation against this applicant is this, that he was present at the time of incident and he had also put his hand inside the coat pocket of the prosecutrix.

6. After considering on the submissions and the facts present in this case, I am of this view that the applicant is entitled for grant 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)
Vacation Judge