

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4023 of 2015**

- Hiralal Lahare @ Daddu, S/o Shri Jairam Lahre, Aged about 19 years, R/o Kirari, Police Station – Masturi, Distt. Bilaspur (C.G.), Present Address : Ward No.3, Bodari, Police Station -Chakarbhata, Distt.- Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- the Station House Officer, Police Station – Chakarbhatha, Distt.- Bilaspur (C.G.)

---- Non-applicant

For Applicant: Mr. Rishi Rahul Soni, Advocate.
 For Non-applicant/State: Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 125/2015 registered at Police Station Chakarbhata, Civil & Revenue District Bilaspur for the offences punishable under Sections 363,366 & 376/34 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences

Act, 2012.

(2) Case of the prosecution, in brief, is that on 25-04-2015 present applicant and other co-accused abducted the prosecutrix and committed sexual with her against her will and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has been falsely implicated in the crime in question. He would further submit that similarly situated co-accused namely Devendra Banware @ Shubham has already been granted bail by this Court vide order dated 10.08.2015 in M.Cr.C. No. 3877/2015, and the applicant is in jail since 26.04.2015 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused person namely Devendra Banware @ Shubham, who has already been granted bail by this Court in M.Cr.C. No. 3877/2015.

(5) Taking into consideration the facts & circumstances of the case and particularly the fact that similarly situated co-accused person namely Devendra Banware @ Shubham has already been granted bail by this Court vide order dated 10.08.2015 passed in M.Cr.C. No. 3877/2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the

application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-