

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7099 of 2015

Jaimangal Patel, S/o. Nilambar Patel @ Nanhi Dau, Aged About 52 Years,
R/o. Sahaspuri, P.S. Kotra Road, District - Raigarh (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Kotra Road,
District - Raigarh (Chhattisgarh)

---- Respondent

For Applicant : Mr. Chitranjay Singh Patel, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.327/2014, registered at Police Station– Kotra Road, Raigarh (C.G.) for the offence punishable under Sections 376, 506-B of IPC and 4, 12 of PASCO Act.
2. As per the prosecution case, in brief, on 10.11.2014 the present applicant has committed forceful sexual intercourse with the minor prosecutrix and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He further submits that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C. No.4382/2015 on 31.08.2015 on the ground of delay in lodging the FIR; therefore, he submits that the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the bail of the similarly placed co-accused has been entertained by the co-ordinate Bench of this Court on the ground of delay.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet has been filed and taking into fact that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench of this Court, in order to advance parity, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge