

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3470 of 2016

- Ramavtar Koshale S/O Dhalgan Koshale Aged About 48 Years R/O Village Daija, P.S. Takhatpur, Tahsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajesh Jain, Advocate

For Respondent/State : Mr. O.P. Sharma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

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 on 27-04-2016 in connection with Crime No. 205 of 2013, registered at Police Station Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 363, 363/34, 366, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by one Ramavtar that on 1-7-2013 his minor daughter was taken away from the lawful guardianship of her mother and father by Rishi Koshale along with the present applicant and thereafter the girl was recovered, after recovery statement was recorded and it was revealed that Rishi has committed sexual intercourse and she being minor, thereby the offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, initially the statement of the victim was recorded on 22-3-2014 wherein the applicant was not named and subsequently the applicant was named in the statement of the victim recorded on 24-03-2014. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 27-04-2016 and no further

investigation is required. He would further submit that similarly placed other co-accused persons Ramratan Koshale and Rajkumar Koshale have been granted bail vide order dated 13-07-2016 passed by this Court in M.Cr.C.No. 3553 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that the charge-sheet has been filed, the applicant is in jail since 27-4-2016 and further considering the fact that similarly placed co-accused persons have been granted bail, 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 and 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju