

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3974 of 2016

1. Rajkumar, S/o. Late Sukhsagar Patel, Aged About 40 Years, By Caste Kurmi, R/o. Maheba, Vadravnagar, Thana Basantpur, Distt. Balrampur C.G. At Present R/o. Haldibadi, Bhais Dafai, Chirmiri, Distt. Koriya, Chhattisgarh
2. Kamlesh Patel, S/o. Late Ramsagar Patel, Aged About 25 Years, By Caste Kurmi, R/o. Maheba, Vadravnagar, Thana Basantpur, Distt. Balrampur, Chhattisgarh
3. Ramakant Patel, S/o. Ramlallu Patel, Aged About 32 Years, By Caste Kurmi, R/o. Khadoura, Jhakhara, Tahsil Devsar, Distt. Singrouli, M.P. At Present R/o. Sector B, Near Nehru Hospital, Jayant P.S. Vikram Nagar, Singrouli M.P.

(wrongly mention in the cause title)

---- Applicants

Versus

The State Of Chhattisgarh, Through Police Station Chirmiri, Distt. Koriya, Chhattisgarh

---- Respondent

For Applicants : Mr. Parag Kotecha, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.35/2016 (123/16 wrongly mention in the order sheet), registered at Police Station- Chirmiri, District Koriya (C.G.) for the offence punishable under Section 363, 366, 368, 376 & 120 B/34 of Indian Penal Code and under Section 4, 5 and 6 of the Prevention of Children from Sexual Offences Act, 2012 and 3(2-5), 3 (1 b,d) of Schedule Caste & Schedule Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that the present applicant No.1 Rajkumar who is the father and applicant No.2 & 3 who are the

relatives of the co-accused Arpit Patel have given shelter to Arpit Patel when he was eloped with the prosecutrix.

3. Learned counsel for the applicants would submit that in similar circumstances, the bail application of the other co-accused Smt. Radha Patel has been allowed by the co-ordinate Bench of this Court on 09.06.2016 in M.Cr.C. No.2729 of 2016 and the case of the present applicants is similar; therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, not able to dispute the fact that similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts & circumstances, allegation against the applicants and the fact that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench of this Court, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge