

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4880 of 2016

Parmeshwar Yadav, S/o. Dukaaha Yadav, Aged About 22 Years, R/o. Village Dayalpur, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P.Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.08.2016

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 in connection with Crime No.179/2016 registered at Police Station- Nandghat, District Bemetara (C.G.) for the offence punishable under Section 363, 366, 368 & 376 of Indian Penal Code and Section 5(L) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the complainant Deenanath that his wife/prosecutrix was enticed away by one Mani Ram and thereafter committed sexual intercourse with her and after the recovery when the investigation was made, it was found that the present applicant has assisted the said Mani Ram to flee away with the prosecutrix; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the main accused Mani Ram has been enlarged on bail on 17.08.2016 in

MCRC No.4582 of 2016 and the allegation of the present applicant is lesser degree, therefore, he may 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 other principal co-accused Mani Ram has been enlarged on bail.
5. Perused the statement of the prosecutrix recorded under Section 164 of Cr.P.C. Considering the statement and the facts & circumstances of the case and further considering the fact that the main accused has been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge