

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5134 of 2016

1. Dulal Dhali S/o Late Pashupati Dhali Aged About 40 Years
R/o P. V. 103, Kurenar, P.S. Bande, Tahsil Pankhajur, District
Kanker Chhattisgarh
 2. Fulmala Dhali W/o Dulal Dhali Aged About 35 Years R/o P. V.
103, Kurenar, P.S. Bande, Tahsil Pankhajur, District Kanker
Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through : The Station House Office,
Police Station Bande, District Kanker Chhattisgarh ---
- Respondent**

For the applicants	:	Mr. Mukesh Shrivastava, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 14 of 2016 registered at P.S.Bande, Distt. Kanker, Uttar Bastar (C.G) for the offence punishable under Sections 376, 313/34 of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by the father of prosecutrix that his minor daughter was submitted to forcible sexual intercourse by one Prasannajeet, thereafter when the girl became pregnant the father of main accused Prasannajeet with the help of co-accused Vidhan Mallik got her pregnancy aborted by administering an injection, thereby the offence was committed.
3. Learned counsel for the applicants would submit that only on

assumption the applicants have been inculpated and similarly placed co-accused Vidhan Mallik has been enlarged on bail by this Court in M.Cr.C.No.4383/2016 on 09.08.2016, therefore, being in parity with the case of said co-accused, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is unable to dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. Considering the fact that similarly placed co-accused Vidhan Mallik has been enlarged on bail by this Court in M.Cr.C.No.4383/2016 and also looking to the delay in filing the report and the fact that the charge sheet has been filed I am inclined to allow the present applicants also on bail.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**