

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5205 of 2016

- Pyare Baiga S/o Bhagirathi Aged About 65 Years R/o Ghughri, Jaitpur, District Shahdol M.P. --- **Applicant**

Versus

- State of Chhattisgarh Through : Station House Officer, Police of Police Station - Janakpur, District - Korea Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Anupam Dubey, Govt. Advocate

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 applicant in connection with Crime No. 47 of 2016 registered at P.S. Janakpur, Distt. Korea (C.G) for the offence punishable under Sections 363, 366, 376(2)(ja)(jha) read with Section 34 of IPC and Sections 4, 5(Tha), 6, 9, 10, 19, 21 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 07.3.2016 a missing report was made by the father of girl that from 05.03.2016 his minor daughter was found missing and expressed his doubt that accused Shiva Prasad Baiga allured and took her away and the allegations against the present applicant is that he is maternal grand-father of the main accused and in his house the accused Shiv Prasad has stayed along-with the girl.
3. Learned counsel for the applicant submits that the main allegations have been attributed to Shiv Prasad and similarly placed co-accused Balmik has been enlarged on bail by this Court in M.Cr.C.No. 3094 of 2016 on 23.06.2016. It is further

submitted that the charge sheet has been filed and the applicant is in jail since 17.05.2012, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. Considering the degree of allegations leveled against the applicant and the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C. No. 3094 of 2016 I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE