

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5670 of 2016

- Birbal Dewangan (Mentioned as Virbal In the Certified Copy) S/o Devnarayan Dewangan, Aged About 22 Years, R/o Village Kumda, Police Station Vishrampur, District Surajpur, Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through: Station House Officer, Police Of Police Station- Patna, District Korea, Chhattisgarh

---- Respondent

For applicant
For Respondent/State

- Shri Anil Gulati, Advocate.
– Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Oral Order

20/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.84/2016 registered in Police Station Patna, District Korea (C.G.) for offence punishable under sections 363, 366, 376, 368 of Indian Penal Code and Sections 8, 12, 19, 21 of the Protection of Children from Sexual Offences Act and section 3(1)(12) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 .
2. As per the prosecution case, a report was made by father of the victim Anand Sai that his daughter was missing from 29/04/2016. Subsequently, the girl was recovered on 27/05/2016 at the house of co-accused Bare Lal and on investigation it was revealed that accused Karnal Panika had taken minor girl and enticed away on the pretext of marriage and thereafter committed sexual intercourse.
3. Learned counsel for the applicant submits that the main allegation

is against Karnal Panika and the applicant is the maternal uncle of the other co-accused wherein girl stayed for certain point of time and he has given shelter. He further submits that similarly placed co-accused Bare Lal has been released on bail by this Court in M.Cr.C. No.3968/2016 on 01.08.2016, therefore, on the ground of parity, the present applicant may also be released on bail.

4. Learned State counsel opposes the prayer for grant of bail. However, he do not dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. Perused the statement of the victim wherein it is stated that she went to the different places along with other co-accused Karnal Panika and she stayed for certain time in the house of the applicant. Considering the degree of allegation against this applicant and also the fact that similarly placed co-accused Bare Lal has been enlarged on bail by this Court, I am inclined to release the applicant also on bail.
6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his appearance before it as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE