

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6231 of 2016

- Dinesh Yadav S/O Hichchharam Aged About 37 Years R/O Village Kharkharadeeh, Police Station Raakhi, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rakhi, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

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

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-10-2016

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 on 15-3-2016 in connection with Crime No. 64 of 2015, registered at Police Station Rakhi, District Raipur (CG) for the offence punishable under Sections 376, 315, 302, 323, 498-A, 494, 496, 450, 294, 506-B, 120-B & 34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that out of the relation with Lala Yadav a child was born and thereafter meeting was convened in the village wherein Lala Yadav was directed to marry the prosecutrix though he was earlier married. Subsequently, when the child was born, one Ramesh Yadav had killed the child within one hour of the birth and the present applicant along with other co-accused has buried the child, therefore, the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed

in this case, he is in jail since 15-3-2016 and no further investigation is required. He would further submit that the case of the present applicant is similar to that of other co-accused person namely Narendra Kumar Sahu @ Dr. Naresh who has been granted bail vide order dated 19-7-2016 passed by this Court in M.Cr.C.No. 3418 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused who has been granted bail by co-ordinate Bench of this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 15-3-2016 and further considering the fact that similarly placed other co-accused has been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

