

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6769 of 2016

- Ramesh Rajwade @ Nanhu S/o Satanand Rajwade Aged About 21 Years
R/o Shrigarh, Police Station Kotwali, District Surguja, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Ambikapur, District Surguja, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Vivek Tripathi, Advocate

For Respondent/State : Mr. Anupam Dubey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-11-2016

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 30-09-2016 in connection with Crime No. 23 of 2016, registered at Police Station AJAK, Ambikapur, District Surguja (CG) for the offence punishable under Sections 376, 366, 506, 342 of IPC and Section 3 (2-5) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.
2. As per prosecution case, one Gopi Rajwar enticed away the minor girl on 25-4- 2016 and thereafter committed sexual intercourse with her. Initially the girl was kept in some relatives house and thereafter Golpi Rajwar kept the girl in the house of present applicant who is brother of Gopi Rajwar and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the entire allegations are against the main accused Gopi Rajwar and the allegations against the similarly placed other co-accused persons who have been

enlarged on bail vide order dated 6-9-2016 passed by this Court in M.Cr.C.No. 5245 of 2016, have been considered. 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 that of other co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the bail order dated 6-9-2016 whereby other co-accused persons have been granted bail.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicants and considering the fact that charge-sheet has been filed, the applicant is in jail since 30-9-2016 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am inclined to release the applicant on bail.
8. 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