

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1988 of 2017

- Yashwant Patel S/o Goberdhan Patel, Aged About 25 Years, R/o Parsada, Police Station Bhupdevpur, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Hasoud, District Janjgir Champa, Chhattisgarh.

... Non-applicant

For Applicant	:	Shri Yogeshwar Sharma, Advocate.
For Non-applicant/State	:	Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/10/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 23.02.2017 in connection with Crime No.127/2016 registered at Police Station Hasoud, District Janjgir Champa, C.G. for the offence punishable under Sections 363, 366, 376, 34 of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. The case of prosecution is that the prosecutrix who is minor girl was abducted by main accused Surendra with the aid of the present applicant and some other co-accused persons and thereafter the main accused is said to have taken the prosecutrix to different places where the main accused is said to have committed rape with the prosecutrix.
3. Learned Counsel for Applicant submits that the only allegation against the present Applicant is assisting the main accused

Surendra while taking the prosecutrix to different places. He further submits that in 161 statement of the prosecutrix recorded subsequently the name of present Applicant is not reflected. Further, it is also contended that co-accused Kirtan Lal, Tekchand and Rajkumar whom case is similar to that of the present Applicant have already been granted bail in MCRC No.167/2017 vide order dated 17-01-2017, therefore he prays for grant of bail.

4. Learned State counsel however opposes the bail application, but does not dispute the fact that the bail have been granted to the co-accused.
5. Considering rival contentions of either sides, on perusal of the record particularly the fact that the co-accused against whom similar charges were leveled have already been granted bail in MCRC No.167/2017, this Court is of the view that a strong case for grant of bail has been made out by the Applicant as also on the ground of parity.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge