

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 2272 OF 2017

Anwar Vishwakarma, S/o Late Sudhan Agariya, Aged about 23 years, R/o Chirmiri, Indra Nagar, P.S. Chirmiri, Civil & Revenue District Koriya (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Khadgawan, Civil & Revenue District Koriya (C.G.)

---- Non-applicant

For Applicant : Mr. Adil Minhaj, Advocate

For Non-applicant : Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2017

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 in connection with Crime No.203/2016 registered at Police Station- Khadgawan, Civil & Revenue District Koriya (C.G.), for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Sections 5, 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, co-accused person, namely, Rahul Vishwakarma has abducted the prosecutrix from the lawful custody of her parents and had committed sexual intercourse with her. Allegation against the present applicant is that he gave shelter to other accused and thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix has been examined and she has not supported the

case of the prosecution. He would further submit that other co-accused person namely, Rahul Vishwakarma has already been enlarged on regular bail vide order dated 25.5.2017 in MCRC No.2077 of 2017, therefore, the present applicant may also be enlarged on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State would submit that other co-accused person namely, Rahul Vishwakarma has already been enlarged on regular bail vide order dated 25.5.2017 in MCRC No.2077 of 2017.
5. Perused the case diary and the documents. Taking into consideration the fact that the applicant is in jail since 15.1.2017 and other co-accused person namely, Rahul Vishwakarma has already been enlarged on regular bail vide order dated 25.5.2017 in MCRC No.2077 of 2017, I am inclined to release the present applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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)
Vacation Judge