

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1488 of 2018**

- Nand Kumar S/o Radheshyam Sontake Aged About 20 Years R/o- Chorladih P.S. Chuikhadan District- Rajnandgaon, Chhattisgarh At Present Apana Hotel Kawardha, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

**---- Petitioner****Versus**

- State Of Chhattisgarh Through- Station House Officer, Kawardha, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

**--- Respondent**


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For Petitioner : Shri Jaylal Yadav, Advocate  
 For Respondent/State : Shri Satish Gupta, GA

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****20/04/2018**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.258/2017 registered at Police Station Kawardha, District Kabirdham for the offence punishable under Section 376(2)( $\text{द}$ ) of IPC.

3. Case of the prosecution is that the prosecutrix, who was a woman, living in destitute was sexually exploited by the applicant.

4. Learned counsel for the applicant submitted that the allegations of the prosecutrix that she was subjected to rape is false and fabricated and it all indicates that she had full consent in the alleged act of sexual intercourse. He next submits that the prosecutrix did not make any report, but later on, some of the government employees, who are working in the Department of Women and Child Development have come out with the allegations, then only, the prosecutrix has stated regarding alleged commission of offence. It is also submitted that one of the co-accused **Abhijeet Singh (M.Cr.C.No.7372/2017)**

has been granted bail by this Court vide order dated 15-01-2018, therefore, at this stage, it is prayed that the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail.

6. Without commenting upon the merits of the case, but only in order to maintain parity, since other co-accused of the present case has been granted bail and the allegations against the applicant and the other co-accused prima facie show that they are similarly situated, this Court is left with no other option but to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

( **Manindra Mohan Shrivastava**)

**J U D G E**