

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6417 of 2017**

Yashwant Kumar Bariha S/o Ratan Lal Bariha Aged About 19 Years
R/o Villaga - Baya, Police Chowki- Baya, Police Station Rajadevri,
District Balodabazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Rajadevri, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri C.R. Sahu, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.01.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 33 of 2017, registered at Police Station Rajadevri, District Baloda Bazar, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is alleged that the applicant has helped the main accused Jitendra Yadav in abducting the prosecutrix. On the basis of the material of the prosecution case, no case is made out against the

applicant. Co-accused – Kirit Ram Yadav has been granted bail by the Co-ordinate Bench of this Court against whom the allegations are of similar in nature. Hence, for these reasons, the applicant is entitled for grant of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has a history of criminal record having some cases registered against him for the offences under Indian Penal Code. Hence, it is prayed the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The father of the prosecutrix filed a missing report in police station Rajadevri that his minor daughter aged 16 years is missing. After investigation, FIR has been registered against the applicant and others.

6. Considering the submissions and the contents of the case-diary, taking into consideration the fact that similarly placed co-accused persons – Kirit Ram Yadav and Faguram Deewan have been granted regular bail by the Co-ordinate Bench of this Court and on the grounds of parity, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi