

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6054 of 2018

Laxman Kant, S/o. Pardeshi Ram Kant, Aged About 57 Years, R/o. Village Malhar, Police Station Masturi, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Masturi, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate

For Respondent : Mr. D.R.Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.10.2018

1. This is the third 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.377/2016 registered at Police Station- Masturi, District Bilaspur (C.G.) for the offence punishable under Sections 377 & 342/34 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The first bail application was dismissed on merit on 23.12.2016 and second bail application was dismissed as withdrawn on 25.04.2018.
2. Case of the prosecution, in brief, is that a report was made by few of the victim on 01.10.2016 that in between 03.07.2016 to 03.08.2016, the applicant called one of the Tantrik to perform witchcraft in his house and few of the boys were called at the separate point of time and were subjected to unnatural sex and fear was extended that if they do not cooperate, their parents

would die. Subsequently, the report is made. Thereby, the offence has been committed.

3. Learned counsel for the applicant submits that the coordinate Bench has granted bail to the other similarly placed co-accused and the applicant is in jail since 02.10.2016 and the trial has not been concluded till date, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed co-accused Vicky @ Vikaskant has been enlarged on bail by the co-ordinate Bench in MCRC No.8065/2017 on 06.03.2018. .
5. Considering the facts and submission made that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench and the applicant is in jail since 02.10.2016, I am inclined to release the 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.

Sd/-
(Goutam Bhaduri)
Judge