

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6167 of 2018**

Gudiya Gautam, W/o Shri Chandramauli Gautam, aged about 36 years, R/o L.I.G. 1562, Yaduwanshi Chowk, Hirapur, Tatibandh, Raipur, Chhattisgarh (Though in impugned order wrongly mentioned as w/o Gurmit Singh alias Romi R/o Dhawari, Police Station Dhawari, District Satna Madhya Pradesh presently residing at Housing Board Colony, Boriakala Block No.17, House No.258, Police Station Mujgahan)

---- Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Tikrapara, Raipur, District Raipur (Chhattisgarh)

---- Non-applicant

For Applicant	:	Mr.Ashish Surana, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/09/2018**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 135/2017 registered at Police Station-Tikrapara, Raipur (C.G.) for the offence punishable under Sections 363, 368, 370, 372 & 376 read with Section 34 of the Indian Penal Code, Sections 3,4,5 & 6 of the POSCO Act and Sections 3(1)B and 3(2)(5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution, in brief, is that rape is alleged to have been committed by co-accused-Baba @ Sapan Das whereas present applicant compelled the prosecutrix to indulge in the business of prostitution and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that co-accused namely Baba & Sapan Das and Sukanti @ Manju Harpal have already been granted regular bail by this Court vide orders dated 20.02.2018 and 23.4.2018 passed in M.Cr.C. Nos. 7739/2017 and 1895/2018 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State would opposes the bail application.

(5) Considering the totality of the facts, in particular the fact that co-accused Baba & Sapan Das and Sukanti @ Manju Harpal have already been granted regular bail by this Court and the present applicant is in detention since 10.04.2017; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-

