

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1449 of 2019**

Patrakar Xalxo S/o Ramchand Xalxo Aged About 20 Years Caste
 Uraon, R/o Village Kardani, Police Station Lundra, District Surguja
 Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ---
Petitioner

Versus

State of Chhattisgarh through Station House Officer, Police Station
 Bagicha, District Jashpur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. J.K. Saxena, Advocate.
For the State	:	Mr. Avinash Singh, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.04.2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 32 of 2018 registered at Police Station Bagicha District Jashpur (C.G) for the offences punishable under Sections 341, 365, 366, 376, 147 of IPC & sections 25 & 27 of the Arms Act and section 3(2)(1), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, the prosecutrix was forcibly kidnapped and thereafter was subjected to rape by another accused. The allegation is that the present applicant and other accused have assisted the main accused to commit such offence.
3. Learned counsel for the applicant submits that no allegations of rape has been attributed to the present applicant and the prosecutrix has voluntarily gone along-with other accused.

He further submits similarly placed accused Ashok Yadav has been granted bail by this Court by order 08.10.2018 passed in M.Cr.C.No. 7263/2018 and the case of the present applicant rests on similar footing. He further submits that the present applicant is in jail since 28.02.2018 and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that similarly placed accused Ashok Yadav has been enlarged on bail by this Court.
 5. Considering the fact that similarly situated person has been enlarged on bail by this fact and this applicant is in jail since 28.02.2018, without making any observation on the merits of the case, I am inclined to release the applicant on bail.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**