

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4612 of 2019

Prashant Parkarm, S/o. Late Dewari Lal, Aged About 24 Years, Caste - Suryavanshi, R/o. Village - Akaltari, Post Office and Police Station - Ratanpur District - Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station - Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2019

1. Heard on application for correction of the crime number in the instant bail application.
2. After due consideration, the same is allowed and the counsel for the applicant is permitted to make correction of the crime number in the cause title of the application.
3. Also heard on 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.185/2018, registered at Police Station – Baikunthpur, District – Koriya (C.G.) for the offence punishable under Section 363, 376 (k) (n), 376 (D) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
4. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in

jail since 07.03.2019. No case is made out against the applicant. FIR was lodged against two unknown persons and no TIP has been conducted in this case regarding identification of the applicant as one of the person, who committed the offence. One similarly placed co-accused person -Suman has been granted regular bail by the Coordinate Bench of this Court. Therefore, it is prayed that the applicant may be enlarged on regular bail.

5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, it is alleged that two unknown persons gang raped the minor prosecutrix. The prosecutrix was not acquainted with them, however, she has received some phone calls from that unknown persons, who identified him as Suraj on the basis of that mobile number, this applicant has been apprehended in this case.
8. Considered on the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further taking into consideration this fact that similarly placed co-accused person have been granted regular bail by the Coordinate Bench of this Court, therefore, on the ground of parity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram