

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8906 of 2018**

Tulsiram Patel, son of Chhedi Lal Patel, aged about 50 years, R/o. Village Amora, P.S. Jarhagaon, District Mungeli (C.G.)

----Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station Masturi, District Bilaspur (C.G.)

---- Non-applicant

For applicant	:	Shri V.C. Ottalwar, Advocate.
For Respondent/State	:	Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/01/2019

Heard.

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. 423/2018 registered at Police Station Masturi, District Bilaspur for the offence punishable under Sections 363, 354 and 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that applicant and co-accused Ramesh Kumar Dhuri kidnapped the complainant, forced her in car and outraged her modesty 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 -Ramesh Kumar Dhuri has already been granted regular bail by this Court vide order dated 31.10.2018 passed in M.Cr.C. No. 7465 of 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 opposes the bail application.

5. Considering the totality of the facts, in particular the fact that co-accused person has already been granted regular bail by this Court vide order dated 31.10.2018 in M.Cr.C. No. 7465 of 2018; and the fact that applicant is in jail since ; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

6. Accused/applicant – Tulsiram Patel 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

D/-

