

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.285 of 2020

- Umashanker S/o Shivilal Aged About 21 Years R/o Village Tanera Police Station Pasan, District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ramanujnagar, District Surajpur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14.06.2019 in connection with Crime No.110/2019, registered at Police Station- Ramanujnagar, District- Surajpur, C.G. for offence punishable under Sections 363, 376(2)(ब)(द), 366 of I.P.C. and Section 04 and 06 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 14.06.2019 and has been falsely implicated in this case. The similarly placed co-accused Masih Prakash has been granted bail by the Coordinate Bench of this Court in M.Cr.C. No.1067/2020, therefore, it is prayed that this applicant may be granted bail by this Court.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that this is a case of gang rape with the minor

girl, therefore, the application does not deserve to be allowed.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, it is alleged that on the date of incident, this applicant and the co-accused Masih Prakash both abducted the minor prosecutrix and then have committed the offence of gang rape with her.
6. Considered that the co-accused person has been granted bail by the Co-ordinate Bench of this Court. Therefore, only on the ground of parity, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge