

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5715 of 2020

Sanjay Kashyap S/o B. L. Kashyap Aged About 51 Years R/o Stationpara, Ward No. 11, Rajput Gali, O.P. Chikhli Rajnandgaon, Thana Chowki Chikhli, Thana Kotwali, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Kotwali, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For State	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/10/2020

Heard.

1. The applicant is arrested in connection with Crime No.727/2019 registered in Police Station – Kotwali, Rajnandgaon (CG) for alleged commission of offence under Sections 315, 317, 318, 201, 34 IPC.
2. Case of the prosecution, in brief, is that a new born baby was found in an open place, who later on died. The allegation against the present applicant and co-accused is that the new born baby was born out of illicit relationship of the present applicant with one of the co-accused and when co-accused became pregnant and delivered a baby boy in the house of the present applicant, then the new born baby was taken away with the help of other co-accused and it was left near a drainage line.
3. Learned counsel for the applicant would submit that applicant's involvement is based only on the ground that the deceased child is alleged to have been

born out of illicit relation of the present applicant with one of the co-accused. The case of the present applicant is similar to other co-accused namely Dhaneshwari Sahu, Pramila Agrawal and Laxmi Bai Kashyap who all have been granted bail by this Court in MCRC No.2301 of 2020, MCRC No.3207 of 2020 and MCRC No.5039 of 2020. Therefore, the present applicant may also be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the applicant is the person who had entered into illicit relation with one of the co-accused, as a result of which, baby was born which was left in an open area.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the other three co-accused have already been granted bail by this Court and that case of the present applicant appears to be similar to the case of other co-accused, I am inclined to grant bail in the present case also on the ground of parity.
6. The application is accordingly 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/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge