

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8250 of 2019**

Kiran Dev Mandavi, S/o. Rajau Ram Mandavi, aged about 19 years, R/o. At Village Dundabedma School Para, P.S. Eragaoon, District Kondagaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : The Police Station Eragaoon, District Kondagaon (C.G.)

----Non-applicant

For Applicant	: Mr. Pravin Kumar Tulsyan, Advocate.
For Non-applicant/State	: Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

10/02/2020

(1) The accused/applicant has preferred 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. 7/2019 registered at police Station Eragaoon, District Kondagaon (C.G.) for the offence punishable under Sections 376, 306 and 34 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in nutshell, is that father of the prosecutrix lodged a report to the effect that on the pretext of marriage, applicant committed sexual intercourse with his daughter, due to which, she became pregnant. Thereafter, applicant and other co-accused persons pressurized the prosecutrix to abort the child and sent back to her parental house where out of humiliation and frustration, she committed suicide.

(3) Learned counsel appearing for the applicant would submit that applicant has been

falsely implicated in the crime in question as there is no evidence on record to connect the applicant with the crime in question. He further submits that the applicant is in jail since 15.07.2019; charge sheet has already been filed and similarly situated co-accused persons have already been granted bail by this Court vide order dated 10.12.2019 passed in M.Cr.C. No. 6863 of 2019 and, therefore, the applicant should also be released on bail on the ground of parity.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case; particularly the facts applicant is in detention since 15.07.2019; charge sheet has already been filed and similarly situated co-accused has already been granted bail by this Court vide order dated 10.12.2019 passed in M.Cr.C. No. 6863 of 2019; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local 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/-

(Rajani Dubey)
Judge

D/-

