

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2427 of 2021**

- Ashok Kumar S/o Chalittar Mukhiya Aged About 38 Years R/o Village Indra Enclave, 2nd Floor-10, Police Station-Bebsaray, District-Mehrauli (Wrongly mentioned as Gehrauli), New Delhi.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The S.H.O- Police Station-Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Gyan Prakash Shukla, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/07/2021**

The matter is heard through video conferencing.

1. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 190/2019 registered at Police Station-Surajpur, District - Surajpur (C.G.) for the offence punishable under Sections 365/34, 323, 370, 374 of the IPC.
2. The first bail application of the applicant was dismissed vide order dated 10.02.2020 by this Court in MCRC No. 8108/2019.
3. As per the prosecution case, on 01.12.2019, the complainant lodged a report before the concerned police station alleging that she is living along with her two younger sisters. One of the co-accused Ramsevak Toppo was residing in her house as a paying guest and he offered them that he will provide job to them at Delhi and on that assurance complainant sent her younger sister along with the Ramsevak Toppo. Thereafter, the applicant took them in the house of Nanhu as well as in

the house of applicant. Thereafter, complainant received a call from her sister that the applicant is not behaving properly. The allegation against the present applicant is that he with co-accused persons kidnapped the victim with intention to sell her as a slave, unlawfully compelled her for labour work and committed maar-peat with her. On the basis of said complaint, after investigation, offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is equal contribution of the other co-accused in this case who has already been granted bail in MCRC No. 9360/2020, therefore, the present applicant may also be granted bail on the basis of parity. The applicant is in jail since 04.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and submits that the applicant did a serious offence; therefore, he may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the other co-accused has already been granted bail and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- 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.

Sd/-
(Rajani Dubey)
Judge