

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6619 of 2021**

- Jasmendra, S/o Ramchand Yadav, aged about 22 Years, R/o Prahladgarh, Police Station Bhiwani, District Bhiwani (Haryana).

----Applicant**Versus**

- State of Chhattisgarh, Through- the Station House Officer, Police of Police Station Ratanpur, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Achyut Tiwari, Advocate.
For State	Shri Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/10/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.154/2021 registered at Police Station Ratanpur, District Bilaspur, C.G. for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, it is alleged that co-accused Shammi Shikari abducted the minor prosecutrix and then raped her. Later on, the minor prosecutrix was taken by co-accused Pawan Kumar and one another to Haryana. It is alleged that the present applicant performed marriage with the minor prosecutrix and exploited her sexually.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him, applicant is in jail since 29.07.2021, charge sheet has already been filed, conclusion of trial is likely to take some time and that co-accused persons namely- Shammi Shikari & Pawan Kumar in this case have already been granted regular bail by the co-ordinate Bench of this Court vide order dated 23.09.2021 in MCRC No.5429 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 22 years old, charge sheet has been filed, the statement of prosecutrix given under Section 164 Cr.P.C., the fact that the co-accused persons in this case have already been granted regular bail by the co-ordinate Bench of this Court, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for

grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh