

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.5836 of 2015

Farukh Khan, S/o Shri Abdul Mazid, aged about 22 years, R/o P.S.
& Tahsil Manendragarh, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Manendragarh, District
Korea (C.G.)

---- Non-applicant

For Applicant:	Mrs. Anju Ahuja, Advocate.
For Non-applicant/State:	Mr. Varun Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/12/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.166/2015, registered at Police Station Manendragarh, Distt. Korea, for the offence punishable under Sections 147, 294, 506, 323, 355, 354, 354 (ख), 504 of the IPC; 8, 12, 17 and 128 of the Protection of Children from Sexual Offences Act, 2012.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn with liberty to repeat afterwards, at appropriate time, vide order dated 21-9-2015 passed by this Court in M.Cr.C. No.4936/2015.
3. Learned counsel for the applicant submits that in Criminal Case No.145/2011 on account of which the applicant's earlier bail

application was withdrawn, the applicant was already acquitted on 7-12-2012, but the same could not be brought to the notice of the Court at the time when the first bail application was dismissed. She further submits that now, the applicant is in jail since 19-7-2015 and other co-accused similarly situated have been granted bail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, his pretrial detention, the fact that charge-sheet has been filed and in another criminal case the applicant has already been acquitted, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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.

Sd/-
(Sanjay K. Agrawal)
Judge