

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7162 of 2015

- Ramjan Ansari S/o Nizamuddin Ansari Aged About 28 Years
R/o Village Ranpurkhurd, Police Station & Tahsil Ambikapur,
District Sarguja Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station Ambikapur, District Sarguja Chhattisgarh.

--- Respondent

For the applicant	:	Mr.Sushil Dubey, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.12.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 227/2015 registered at P.S. Ambikapur, Distt. Sarguja (C.G) for the offence punishable under Sections 376, 394, 342/34, 366, 363 of IPC.
2. As per the prosecution case, on 11.05.2015 in the night when the victim was in her house, brother-in-law of her sister Salauddin and Mohd. Ariff came to her home as guests and after having dinner they were ready to go back, at that time, the applicants Ramjan Ansari and co-accused Rashid @ Babu looted Rs.27,000/- from the said relatives and thereafter the victim was called to the place of incident where the applicant has forcibly committed sexual intercourse. On the report made by victim, offence was registered against the applicant and co-accused Babu Ansari.

3. Learned counsel for the applicant submits that the prosecutrix and other witnesses though have been examined, they have not supported the case of prosecution. He placed on record the statements of prosecution witnesses Rijwana (P.W.1), Ariff (P.W.2) and Inamuddin Ansari (P.W.3) and submits that they have not supported the case of prosecution, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecution witnesses namely Rijwana, Ariff & Inamuddin. The prosecutrix herself has stated that no incident has happened with her. P.W.2 Ariff has stated that Salauddin has not told him that the applicant looted Rs.27,000/- from Salauddin. It appears that prima facie the statements of these witnesses do not support the case of prosecution.
6. Taking into statements of the prosecutions witnesses, without any observation on merits of the case, I am inclined to enlarge the applicant on bail. Accordingly, this application is allowed.
7. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**