

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5287 of 2015**

1. Shafeek Khan s/o Shamsheer Khan, aged about 22 years,
2. Pahalwan Khan S/o Aziz Khan, aged about 60 years (Name wrongly mentioned in the order-sheet)

Both are R/o Charkhura, Thana-Pandatarai, Distt.-Kabeerdham (CG)

---Applicants

Versus

State of Chhattisgarh, Through--Thana-Pandatarai, Distt.Kabeerdham (CG)

---Non-applicant

For Applicants	:	Mr. Samir Singh, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

05/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.36/2015, registered at Police Station-Pandatarai, District-Kabirdham (C.G.), for the offence punishable under Sections 294, 456, 506, 354/34 of the IPC, Section 3 (1) (XI) of the Scheduled Castes & Scheduled Tribes Act and Section 8 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 15.5.2015 the applicants entered into the house of minor ST girl (complainant) and not only abused her but also outraged her modesty and thereby committed the aforesaid offences.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the applicants are in jail since 1.9.2015 and charge-sheet is yet to be filed and therefore, they may be

enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants; age of applicant No.2 as 60 years, their pre-trial detention and the fact that substantive investigation has already been completed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants **Shafeek Khan** and **Pahalwan Khan** shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-