

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 959 of 2016**

Hatim Khan @ Bodu, S/o: Aqbar Khan, aged about 19 years, r/o Madani Chowk, Sanjay Nagar, P.S. Tikrapara, Raipur, Civil & Revenue Distt. Raipur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : District Magistrate, Civil & Revenue Distt. Raipur (C.G.)

-----Non-applicant

For Applicant: Mr. Amiyakant Tiwari, Advocate.
For Non-Applicant/State: Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.471/2015 registered at Police Station Tikrapara, District Raipur for the offences punishable under Sections 376, 366 & 363 of the Indian Penal Code & sections 3 & 4 of the POCSO Act, 2012.

(2) Case of the prosecution, in brief, is that applicant abducted the minor prosecutrix on 19.9.2015 and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that the prosecutrix and her father both have been examined during trial and they have not supported the case of the prosecution and they have been declared hostile. He also submits that applicant is in jail since 21.09.2015; charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; pre trial detention and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

