

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.602 of 2016

Shadab Malik, S/o Abdul Wahid Khan, aged about 28 years, Caste Manihar, R/o Village Gadhi, Tahsil Baihar, District Balaghat (M.P.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Gol Bazar, Raipur, Distt. Raipur (C.G.)

---- Non-applicant

For Applicant:	Dr. Shailesh Ahuja, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/02/2016

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.191/2015, registered at Police Station Gol Bazaar, Raipur, Distt. Raipur, for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that the applicant has prepared MMS of the prosecutrix while she was bathing and thereafter called her on 7-11-2015 and threatened to make it public and committed sexual intercourse with her assuring her to delete the MMS.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, which is apparent from the fact that date of incident is 7-11-2015 and FIR was lodged on 30-12-2015 at 2.30 p.m. and no reasonable or plausible explanation has been made for delay in lodging FIR which makes the prosecution case doubtful. The

applicant is in jail since 3-1-2016.

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, extent of delay that the incident is of 7-11-2015 whereas the FIR was lodged on 30-12-2015, medical evidence available on record and statement of the prosecutrix recorded under Section 161 of the CrPC, I am of the view that it is a fit case to enlarge the applicant on regular bail. 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