

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1916 of 2016

Mohd. Shahil @ Saddam Khan, S/o. Mohd. Shabir Khan, Aged About 23 Years, R/o. Avarai, Police Station Avarai, Distt. Mujaffarpur (Bihar), Present Address : Brijnagar, Lane No. 07, Near Raison College Campus, Police Station Tikrapara, Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-Tikrapara, Raipur, Distt. Raipur, Chhattisgarh

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.494/2015, registered at Police Station Tikrapara, Raipur, Distt. Raipur (C.G.) for the offence punishable under Section 363, 366, 506 Part-II, 493, 376(2)(b)(ii) of Indian Penal Code & Section 6 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the applicant took away the prosecutrix, who is a minor, from the lawful guardianship of her mother & father and thereafter committed forceful sexual intercourse. Subsequently, the prosecutrix was recovered from the possession of the applicant; thereby the offence is committed.

3. Learned counsel for the applicant submits that the prosecutrix and her mother & father have been examined and they have not supported the case of the prosecution, therefore, no case is made out against this applicant and, as such, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix, mother & father, which prima facie shows that they have not supported the case of the prosecution. Considering the facts, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall 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 trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge