

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1951 OF 2016**

1. Nasiruddin Khan son of Mohd. Amir Khan aged about 75 years Caste Musalman R/o Jirhul P.S. Bharno District Gumla (Jharkhand)
2. Mohd. Alim son of Mohd. Jalil Khan aged about 42 years Caste Musalman R/o Raja Colony Gumla P.S. And District Gumla (Jharkhand)

---Applicants**Versus**

State of Chhattisgarh through the Station House Officer
Police Chowli Dokra P.S. Kansabel District Jashpur (CG)

---Non-applicant

For Applicants	:	Mr. Raghvendra Pradhan, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

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. 18/2016, registered at Police

Chowki Dokra Police Station Kansabel District Jashpur (C.G.), for the offence punishable under Sections 363, 366(A), 376(2)(Dha), 368 of I.P.C. & Sections 3 & 4 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that, one co-accused Rizwan committed sexual intercourse with the prosecutrix and present applicants allowed them to stay in the house and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that present applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that there is no allegation of rape against the present applicants. He would further submit that applicants are in jail since 14/02/2016, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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; there is no allegation of rape against the present applicant; they are relative of co-accused Rizwan and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, **Nasiruddin Khan and Mohd. Alim** 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. Applicants shall appear regularly before the Investigating Officer/concerned trial Court.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge