

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3896 of 2016

1. Mohammad Salim Ansari, S/o. Mohammad Sahabuddin Ansari, aged about 26 years, R/o. Korwapara Dindo, P.S. Trikunda, District – Balrampur – Ramanujganj (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Sanawal, District – Balrampur - Ramanujganj (C.G.)

---- Respondent

For Applicant	: Mr. A.K. Yadav, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/07/2016

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 applicant who has been arrested in connection with Crime No.4/2016, registered at Police Station – Sanawal, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 365, 366, 376 of Indian Penal Code and 25, 27 of Arms Act.
2. Case of the prosecution, in brief, is that a missing report was made by the father of the girl on 18.01.2016 that her daughter is missing from 13.01.2016. Subsequently the girl was recovered on 03.02.2016 from the possession of co-accused Javed at U.P. and after investigation, the offence is found to be committed.
3. Learned counsel for the applicant submits that only allegation against this applicant is that the applicant along with Manmati,

Rustam had dragged the victim in the motor cycle thereafter left her in the custody of Javed, thereafter, Javed took her to forest and left her to Rustam and initially Javed committed rape on the girl subsequently Rustam committed rape. It is further submitted that charge-sheet in this case has been filed and applicant is in jail since 26.04.2016. Therefore, counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Perused the statement of the victim, wherein only allegations have been attributed against this applicant that he left the victim in the custody of Javed and the main allegation of rape has been attributed to other accused. Taking into such fact and the role attributed to this applicant, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge