

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4896 of 2017

Abdul Subhan Ansari S/o Late Abdul Rehman Ansari Aged About 21 Years R/o Quarter No. 7/, M P R Road, Zone- 2, Khursipar Thana- Khursipar Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Arakchi Kendra Chawni, Police Station Bhilai District- Durg, Chhattisgarh.

---Respondents

For Applicant	:	Mr. Mateen Siddique, Advocate
For State	:	Mr. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 174/2017 registered at Police Station Chawni, District Durg, Chhattisgarh for the offence punishable under Sections 363, 366, 366(A) read with Section 34 of I.P.C. and Sections 17 & 18 of the Protection of Children from Sexual Offences Act, 2012.
2. Present applicant is in jail since 27.04.2017 in connection with Crime No. 174/2017 registered at Police Station Chawni, District Durg, Chhattisgarh for the offence punishable under Sections 363, 366, 366(A) read with Section 34 of I.P.C. and Sections 17 & 18 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, the allegation against the present applicant is that at the instance of his elder brother Abdul Mannan

Ansari, the present applicant was taking the victim along with him to Bihar, where the elder brother of the present applicant is said to have assured the victim of marrying her.

4. When the victim along with the present applicant were traveling to Gaya, they were apprehended and the victim was rescued from the Tata Nagar Railway Station from the South Bihar Express Train.
5. The counsel for the applicant submits that as such there is no allegation against the present applicant except for the fact of taking the victim/complainant along with him to Gaya in the South Bihar Express. He further submits that there is no allegation of any force or pressure being put or any incitement being made by the present applicant against the victim while taking her to Gaya, and therefore prayed for the applicant to be released on bail.
6. State counsel however opposing the application submits that in any case the victim in the instant case was a minor and therefore even if she voluntarily goes, the case of the prosecution is well made out, and prayed for rejection of the bail application.
7. Having considered the contentions put forth on the either side and taking into consideration the allegations which is leveled against the present applicant and that there is no complaint whatsoever of any misdeed to have been done by the present applicant against the victim, this Court is of the opinion that prima facie strong case has been made out.
8. Accordingly, the present application for grant of bail is allowed. 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved