

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7509 of 2017**

1. Mohd. Tabaaraq Khan S/o Aslam Khan, Aged About 23 Years
2. Mohd. Aslam S/o Kamaal Aged About 60 Years  
R/o Village Maali Palganjhiya, P. S. Mufsil, Godda, District Godda  
(Jharkhand )

---- Applicants

**Versus**

State of Chhattisgarh through Station House Officer, Police Station  
Lakhanpur, District Surguja Chhattisgarh

---- Respondent

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| For applicant        | Mr.Shaktiraj Sinha, Adv.    |
| For Respondent/State | Mr. Ratan Pusti, Govt. Adv. |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****15-12-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No. 105/2017 registered in police station Lakhanpur, Distt. Surguja (CG) for offence punishable under Sections 363, 366, 366(A), 376, 368 of the Indian Penal Code, 1860 and Sections 4, 5, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and also heard counsel for the parties.
3. Prosecution story in brief is that the prosecutrix is a minor girl and resides at Bharatpur. On 14-6-2017, the prosecutrix was abducted by co-accused Adil Khan on the pretext of marriage. She was ultimately recovered from co-accused Adil Khan. The applicants have assisted co-accused.
4. One co-accused Idris Khan has been enlarged on regular bail by the coordinate bench of this Court vide order dated 5-12-2017 passed in MCRC No. 6705/2017. The applicants are in custody since 9-7-2017.
5. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
6. On the other hand, the State counsel opposed the bail application.

7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicants are in custody since 9-7-2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the application is allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs. 20,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
8. CC as per rules.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**