

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.7645 of 2016

Ahsan Alam, S/o Ayub Ansari, aged about 20 years, R/o Dolangi, P.S. Ramchandrapur, Civil & Revenue District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station House Officer, Ramchandrapur, Civil & Revenue District Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant:	Mr. A.N. Pandey, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/01/2017

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.1/2016, registered at Police Station Ramchandrapur, District Balrampur-Ramanujganj, for the offence punishable under Sections 376 of the IPC and 4 of the Protection of Children from Sexual Offences Act.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn by this Court vide order dated 30-3-2016 passed in M.Cr. C.No.1417/2016 with liberty to repeat after material prosecution witnesses are examined.
3. Case of the prosecution, in brief, is that the applicant forcibly committed sexual intercourse with the prosecutrix and thereby committed the offence.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The prosecutrix has been examined, she has not supported the case of the prosecution and all witnesses have also not supported the case of the prosecution. The applicant is in jail since 20-1-2016 and has completed near about one year in jail. The trial Court is likely to take time.
5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, material available on record, trial is likely to take time and the applicant is in jail for about one year, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant 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 as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge