

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 995 of 2017

Mohd. Izhar, S/o. Late Shri Mustak Ahmad, Aged About 53 Years, R/o. Krishna Nagar, Nijami Chowk, Bhilai Civil & Revenue District -Durg, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Supela, Civil & Revenue District-Durg, Chhattisgarh. .

---- Respondent

AND

M.CR.C. No. 1043 of 2017

Abdul Gani, S/o. Shri Mohd. Mustfa, Aged About 42 Years, R/o. Krishna Nagar, Near Ekta Dwar, Supela Civil And Revenue District -Durg, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Supela, Civil And Revenue District-Durg, Chhattisgarh

---- Respondent

For Applicants	: Mr. Purnendra Khichariya & Mr. Virendra Verma, Advocates
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2017

1. These are the first bail applications 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. 639/2012, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 376 (2) (घ)/34 of the Indian Penal Code.

2. As per prosecution case, it is alleged that on 17.09.2012 a report was made by the prosecutrix alleging that in between 01.09.1998 to 17.09.2012, the applicants who are known and was in relation to the prosecutrix have sexually exploited against their will and committed sexual intercourse for which a report was made. Thereby the offence has been committed.
3. Learned counsels for the applicants would submit that the applicants have been falsely implicated in this case. It is further submitted that both the victim/prosecutrix have been examined before the Court below and they have not supported the case of the prosecution, therefore, the applicants 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 appearing for the parties.
6. Perused the statement of both the victim/prosecutrix. Perusal of the statement, prima-facie shows that both the victim have not supported the case of the prosecution. Considering the same without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge