

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3059 of 2017

- Taukir Alam S/o Mohd. Hesam Ahmad, Aged About 20 Years R/o Bataikela, Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arun Kochar, Advocate

For Respondent/State : Mr. Neeraj Jain, Government Advocate.

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. Heard the matter finally.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 32/2017, registered at Police Station – Kansabel, District- Jashpur (C.G.), for the offence punishable under Sections 363, 366-A & 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POSCO).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. As per the prosecution case, the allegation is against co-accused - Saddam Hussain and no role has been attributed to the applicant in commission of the said offence. The name of the applicant has also not mentioned by the prosecutrix in the statement given by the prosecutrix under Section

164 of Cr.P.C.. The case has been investigated and charge-sheet has been filed, hence the applicant prays for grant of bail.

4. Learned State counsel opposes the bail application and the submission made in this respect. It is submitted that there is clear and categoric statements of the witnesses against the applicant and he is not entitled for grant of bail.
5. Heard counsel for the parties and perused the case diary.
6. That facts of the case are that on the date of incident, the prosecutrix was raped by co-accused Saddam Hussain and before the incident the applicant was also present along with friends of the prosecutrix, thereafter he went from there along with one Nirup.
7. Considering the submission and contents of the case diary and looking to the facts of this case, I am of view that it is a fit case where the applicant is entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with on surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge