

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3953 of 2017

1. Moh. Aasif Khan S/o Shri Babar Khan, Aged About 30 Years
Occupation Mechanic, Caste Muslim, R/o Village Jarhagarh,
Police Station & Tahsil Ambikapur, District Sarguja
(Chhattisgarh)

---- Applicant

Versus

1. State Of Chhattisgarh Through - Police Station - Gandhi Nagar,
District : Sarguja (Chhattisgarh.)

---- Respondent

For Applicant

Shri Sunil Otwani, Advocate

For Respondent/State

Shri Sameer Behar, Panel Lawyer

For Objector

Ms Priyanka Mehta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

21/11/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.126/2017 registered in Police Station Gandhi Nagar, Dist. Sarguja (CG) for the offence punishable under Section 376 of the Indian Penal Code.
3. The applicant has allegedly committed forcible sexual intercourse with the prosecutrix for a period of 2½ years on

promise to marry and thereafter he refused to marry her.

4. Learned counsel appearing for the State as well as learned counsel appearing for the objector would vehemently oppose the bail application.
5. It is not in dispute that the present age of the prosecutrix is about 25 years, therefore, she would be at least 22½ years when she was subjected to sexual intercourse by the applicant on the promise of marriage because the allegation contained in the FIR is to the effect that the applicant continued to sexually exploit the prosecutrix for about 2½ years.
6. Having heard learned counsel for the parties; considering the facts and circumstances of the case; particularly considering the fact that the FIR is inordinately delayed; age of the prosecutrix; as also for the fact that the investigation is complete and the charge sheet has already been filed; and further considering the fact that the applicant is in jail since 16-5-2017, this Court is inclined to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Judge

Prashant Kumar Mishra

Gowri