

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6107 of 2017**

Mo. Shahid Ansari S/o Mo. Kukhtar Ansari, Aged About 22 Years R/o
Ward No. 42, Nawagarh, Police Station Kotwali, Tahsil Ambikapur,
District Surguja (Chhattisgarh)

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Ajak, Ambikapur, District
Surguja (Chhattisgarh)

---- Respondent

For the Applicant : Shri Sunil Tripathi, Advocate.
For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.10 of 2017, registered at Police Station – AJAK, Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 279, 337, 354, 366A, 363 read with Section 34 of the Indian Penal Code, Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3-1 (W-i), 3-1 (W-ii) of the Prevention of Atrocities Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.04.2017 and the applicant has been falsely implicated in this case. The facts of the case are that the victim in this case hired the Auto Rickshaw

which was driven by the applicant, which met with an accident and when the applicant refused to pay for the treatment of the victim/ complainant she had lodged false case against him. The applicant is ready to abide all the conditions imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case against the applicant, the complainant/ victim hired the auto which was driven by the applicant. The applicant took the Auto Rickshaw in wrong direction, when objected by the complainant one of the companion of the Auto Rickshaw driver caught hold of the hand of the victim and outraged her modesty. Further, the Auto Rickshaw met with an accident due to which the complainant escaped and met with some persons who brought her to the police station. The case was investigated and the charge-sheet has been filed.

6. Considering the submissions and the facts of the case, taking into consideration that the applicant is resident of District Surguja and there is no difficulty in his availability during trial, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge