

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6777 of 2017

- Mohd. Akhtar Ansari S/o Rojdeen Ansari, Aged About 36 Years R/o Village Satpata, Ward No.07, P.S. Bishrampur, District Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Bishrampur, District Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sarfaraj Khan, Advocate.
For Respondent	:	Mr.Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/12/2017

1. 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.143/2017, registered at Police- Station-Bishrampur, District– Surajpur (C.G.) for the offence punishable under Sections 363, 366(a) & 376 of Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 05.7.2017. The prosecutrix and the applicant had some dispute for the reason that applicant is a Tailor and prosecutrix had ordered stitching of her clothes for which she was demanding early delivery and on applicant's refusal to do so, a false report has been filed by the

prosecutrix against the applicant. It is further submitted that in the trial against the applicant, the prosecutrix and other witnesses, who have been examined, did not support the prosecution case and turned hostile. Hence, in this situation, applicant deserves to be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is clear statement against the applicant in FIR and statement of witnesses recorded under Section 161 of CrPC. Hence, the applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Facts of the case are these that, on 22.5.2017, the applicant allured and called the prosecutrix, aged about 15 years, to his own house and committed rape with her. A written complaint was lodged on 3.7.2017 based on which the offence has been registered against the applicant.
6. Considering the submissions made and contents of the case diary and the developments taking place during investigation, as well as during trial, I am of the opinion that present is a fit case where applicant should be benefited with grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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