

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 448 of 2018

- Samir Khan @ Sanjay Khan S/o Mustaque Khan, Aged About 32 Years, Caste Musalman, R/o Ward No.11, Police Station Basna, Civil and Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Basna, Civil And Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Verma, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-10-2017 in connection with Crime No.456/2017 registered at P.S. Basna, District Mahasamund, Chhattisgarh for the offence under Section 354 of the IPC, Section 8 & 18 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 09-10-2017. Charge sheet has been filed after completion of the investigation. The victim in this case and other witnesses who have been examined so far have turned hostile and not supported the case of prosecution. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The allegation against this applicant is this, that on 03-10-2017 this

applicant outraged the modesty of the victim who was a minor girl.

6. Considered on the submissions made and the contents of the case diary.

7. Considered on the material present in the case diary and also perused the certified copy of the statement of the witnesses examined before the trial Court submitted, according to which, the victim and other witnesses have been declared hostile for not supporting the case of prosecution. Looking to this development in this case, I am of this view that the applicant should be granted regular bail.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge