

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7646 of 2017

- Hafiz Khan @ Mona Khan @ Rafik Khan S/o Majid Khan Aged About 34 Years R/o Gokul Nagar, Behind Madarsa Police Station Tikrapara, Raipur, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station- Tikrapara, Raipur District Raipur, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/02/2018

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. 391/2017, registered at Police Station- Tikrapara, District – Raipur(C.G.) for the offence punishable under Sections 377/34, 511 of IPC and Section 3-A, 18 POCSO Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail 2.8.2017. No case is made out against him on the basis of material in the charge-sheet. Further, in the statement before the trial Court, the complainant/victim has not made any statement against this applicant, hence, prayed that applicant 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 allegation in the statement under Sections 161 & 164 of CrPC by the complainant/victim against this applicant. Hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Complainant/victim has lodged FIR alleging that co-accused Majhar and this applicant on pretext of giving lift to the complainant took the complainant to lonely place where the co-accused Majhar satisfied has unnatural lust with the complainant, it is alleged that applicant also tried to do so but in the meanwhile, complainant made his escape.
6. Considered.
7. Taking into consideration the nature of all the allegation against this applicant in the prosecution case and specifically the statement of the complainant before the trial Court, the certified copy of which has been filed along with this application, I am of this view that applicant should be benefited with grant of regular bail.
8. 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge