

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 856 of 2018

- Jahur Khan S/o Noor Mohmad, Aged About 24 Years, R/o Village Belpahad, Police Station Tapkara, Tehsil and District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jashpur, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Arun Shukla, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-04-2018

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 07-09-2017 in connection with Crime No.202/2017 registered at P.S. Jashpur, District Jashpur, Chhattisgarh for the offence under Section 397, 376, 511, 506 of IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 07-09-2017. Charge sheet has been filed after completion of the investigation. No case is made out against this applicant, according to the prosecution case. The applicant is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that he may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is sufficient evidence about involvement of this applicant in the offence committed and he has been duly identified by the complainant in the test identification parade. Hence, he is not entitled for grant of bail.

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

5. According to the prosecution case, on 04-09-2017, at about 3.00 p.m., the prosecutrix along with her friend Pankaj had been to visit Belpahad where three unknown persons carrying axe and sticks came on the spot and without any reason assaulted and injured Pankaj. At the same time one of them attempted to rape the prosecutrix and when she reacted, he threatened her with dire consequences. Subsequent to that, the belongings of Pankaj in a bag, one mixi machine, cash Rs.1500/- and some other papers were looted by all the three. After lodging of the FIR, this applicant and two others were arrested. In the test identification parade the prosecutrix identified all of them and the property looted was identified by another witness Pankaj.

6. Considered on the entire material present in the case diary. Presently the case is before the trial Court and as it appears that there is no criminal antecedent of this applicant and the trial against him is likely to take some time before its conclusion, hence, for these reasons, I am of this view that this applicant should be released on bail during pendency of the trial against him.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge