

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 1316 of 2018

- Hajrat Khan S/o Tahir Ansari Aged About 22 Years R/o.- Village Maheshwarpur, Police Station Batoli, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Batoli, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Vineet Kumar Pandey,
Advocate.

For the Respondent/State : Ms. K. Tripti Rao, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04.05.2018.

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. 84/2017 registered at Police Station – Batoli, District –Surguja, (C.G), for the offences under Sections 376(ॢ) of the Indian Penal Code and Section 5 ॢ/6 of Protection of Children From Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 23.09.2017. After completion of investigation the charge-sheet has been filed, no case is made out against this applicant. The prosecutrix in this case was a major girl on the date of incident and she was a consenting party. The trial is likely to take some time for

its completion, hence, it is prayed that the applicant be released on bail.

3. Learned counsel for the State opposes the bail application and submits that the age of the prosecutrix was 17 years on the date of incident, hence, no case is made out for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case about one and a half year prior to the lodging of FIR, this applicant abducted the minor prosecutrix and on a false promise to marry her, he established physical relationship with her on a number of occasions, because of which, she became pregnant and has given birth to a child. Subsequently, he refused to marry her, hence, FIR was lodged.
6. Considered on the submissions made and contents of the case diary. Perused the documents with affidavit attached with the application that was filed by the prosecutrix herself before the Sessions Court giving the statement that she has no objection if bail granted to this applicant, hence, I am of the view that it is a fit case where the applicant is entitled for 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 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

Jamal