

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1227 of 2018

- Mahtab @ Tayyab Ansari S/o Mahmood Ansari, Aged About 35 Years, R/o. Bhagodih, P.S. Ramuna, District- Gadhwah (Jharkhand), Jharkhand

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Smt. Hamida Siddique, Advocate.

For State/Non-applicant – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07/05/2018

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 14-09-2017 in connection with Crime No.33/2017 registered at P.S. - Sanawal, District- Surguja, Chhattisgarh for the offence under Section 376 & 417 of the 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 14-09-2017. The trial has commenced and the prosecutrix has been examined before the trial Court, who has not supported the case of prosecution. Hence, under these circumstances, it is prayed that the applicant may be granted regular 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. According to the prosecution case, this applicant allured the prosecutrix with a false promise to marry her and committed sexual intercourse with her. Later on, the prosecutrix came to know that the applicant is already married and has children. Hence, the FIR was lodged.

6. Considered on the entire material present in the case diary and perused the statement of the prosecutrix and also the certified copy of the Court statement, according to which, the prosecutrix has not supported the case of prosecution, hence she has been declared hostile. Therefore, looking to the development that has taken place in this case, 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