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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1355 of 2018

- Tahir Khan S/o Sher Mohammad Ansari, Aged About 30 Years, R/o.- Gobardaha Ward No. 16, Police Station Meral, District- Gadhwā (Jharkhand), Presently Residing At Barbaspur, Dabagadipara, Police Station Pratappur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police of Police Station- Pratappur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-04-2018

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 02-12-2017 in connection with Crime No.194/2017 registered at P.S. - Pratappur, District- Surajpur, Chhattisgarh for the offence under Section 376, 506 of the IPC and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix has been examined before the trial Court, who has been declared hostile by the prosecution for not supporting the prosecution case. Hence, 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, finding the prosecutrix alone on the

spot of the incident this applicant forcefully raped her without her willingness and consent. Hence, the FIR was lodged against him.

6. Perused the certified copy of the deposition of the prosecutrix before the trial Court, in which, she has made no statement of rape against this applicant, because of which, she had been declared hostile by the prosecution. Looking to this development in the circumstances in the trial against this applicant, I am of this view that this applicant should be granted bail.

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