

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6899 of 2017

- Sayyed Jakir S/o Sayyed Mashruddin Aged About 20 Years R/o Ward No. 42, Navagarh, Police Station Kotwali Ambikapur District Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station A J A K , Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Raghvendra Verma, Advocate.

For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/01/2018

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.10/2017, registered at Police Station AJAK, Ambikapur, District–Surguja(C.G.) for the offence punishable under Sections 354, 363, 366(A), 279, 337, 34 of Indian Penal Code (for short 'IPC') and Section 3-1(w-i), 3-1(w-ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 7 & 8 of the Prevention of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 26.4.2017. Co-accused Mohd. Sahid Ansari, Auto Driver, had asked

this applicant to accompany him as he was taking some passenger to village-Sakholi all alone. On the way, the auto met with an accident and turned turtle because of which all of them received injury. The complainant demanded compensation for treatment from the auto driver and on his refusal, a false FIR was lodged. No case is made out against the applicant. Co-accused Mohd. Sahid Ansari has already been granted bail by this Court. Hence, it is prayed that applicant may also be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant and co-accused persons had abducted the victim and while they were taking her towards the jungle the auto met with an accident because of which she managed to escape. Hence, applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. It is alleged by the victim, that when she was going in the auto rickshaw to her place of residence, the driver (co-accused) of the said auto-rickshaw and present applicant deliberately changed the route and when the same was objected by her, they tried to drive said auto with speed as a result of which the auto turned turtle which facilitated her escape.
6. Considered the submissions made and contents of the case diary. Taking into consideration this fact that co-accused has already been granted bail in this case and the present applicant has also a similar case, I am of this considered view, that this is a fit case where applicant should be enlarged on regular 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 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 trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha