

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6844 of 2017**

Mohsin Ahmad Khan, S/o. Shri Siraj Ahmad, Aged About 26 Years, R/o. Kabir Nagar, Basna, P. S. Basna, Tahsil -Saraipali, District -Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The P. S. Basna, District -Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.A. Lohani, Advocate

For Respondent/State : Mr. Ashok Swarnakar, 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, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.115/2017, registered at Police Station – Basna, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 04 of the Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The age of the prosecutrix is above 18 years and the prosecutrix had been consenting

party because of love affair between them. Mother of the prosecutrix has lodged false FIR against the applicant, applicant is willing to comply all the conditions imposed for grant of bail, therefore, it is prayed that he may be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that age of the prosecutrix on the date of incident had been below 18 years according to the admission register of the school, hence, the offence charged against the applicant are clearly made out, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant is this that the applicant abducted the minor prosecutrix on 28.03.2017. FIR was lodged by the mother of the prosecutrix on 29.03.2017, thereafter, the prosecutrix was recovered from the custody of the applicant on 30.03.2017. On the basis of the statement given by the witnesses, case has been registered against the applicant.
6. Considered on the submissions made and the contents of the case diary and also the statement given by the prosecutrix under Section 161 of Cr.P.C.. Taking into consideration all the material available on record, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram