

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1601 of 2018**

Nafees S/o Abdul Hafeez Aged About 22 Years R/o- Village Ramgarh, P.S. Janakpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S. Janakpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Pragalbha Sharma, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.06.2018**

Heard.

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. 42 of 2017, registered at Police Station Janakpur, District Korea, Chhattisgarh for the offence punishable under Sections 363, 366, 368 and 376(2)(N) of the Indian Penal Code, Sections 5, 6, 19 and 21 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(12) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 17.04.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is

made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicant be enlarged on 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 on the date of incident the prosecutrix was a minor girl. Hence, in this situation, offence of rape has been committed because of which, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant is that he abducted the minor prosecutrix aged about 17 years and kept her in the house of his sister where he committed the offence of rape on number of occasions. Hence, this case.

6. Considering the submissions and the contents of the case-diary, co-accused – Firoza has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 5441 of 2017 vide order dated 21.11.2017 and the trial of the case is likely to take some time for its final disposal, hence, the application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge