

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1819 of 2018

- Adil Khan S/o Mohd. Aslam, Aged About 22 Years, R/o- Village Maali Palganjhiya, P.S. Mufsil, Godda District Godda (Jharkhand), District : Godda, Jharkhand

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For State/Non-applicant – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30/04/2018

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 09-07-2017 in connection with Crime No.105/2017 registered at P.S. - Lakhanpur, District- Surguja, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC and Section 5(m), 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 09-07-2017. No case is made out against him. The prosecutrix in this case had been a consenting party and she was about 18 years of age on the date this incident has occurred. Hence, for these reasons, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the documentary evidence collected in the investigation, the age of the prosecutrix was below 18 years on the date of incident. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the case of prosecution, this applicant allured the minor prosecutrix and promised to marry her and thereafter he committed rape with her. The applicant then abducted the prosecutrix and took her to different places. A missing report was lodged by father of the prosecutrix. Consequently, the prosecutrix was recovered on 4-07-2017 and according to the statement given by her to the police, offences were registered against this applicant.
6. Considered on the entire material present in the case diary and also perused the statement of the prosecutrix under Section 164 of the Cr.P.C., it appears that the applicant has a case to defend, hence, for this reason, 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