

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2168 of 2018

- Aazad Ansari @ Mulajim Hasan S/o Late Shri Jan Mohammad Ansari
Aged About 60 Years R/o- Satya Nagar, Shukrawari Bazar, Beergaon,
P.S.- Urla, Raipur, District (Revenue And Civil)- Raipur, Chhattisgarh.,
District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Urla, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Yogesh Pandey, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

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

11/05/2018

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.112/2017, registered at Police Station– Urla, District– Raipur(C.G.) for the offence punishable under Sections 354, 376 377/34 of Indian Penal Code (for short 'IPC') and Sections 4, 6 & 8 of Protection of Children from Sexual Offence 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 23.2.2018. After filing of charge-sheet, the prosecutrix has been examined before the trial Court and she has not made any statement against this applicant, thus, there is change in circumstances in favour

of this applicant. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the crime committed in this case of heinous in nature. Hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant being the father of the minor prosecutrix and the co-accused Rijwan being the brother of the minor prosecutrix used to forcefully have sexual relation with her on number of occasions. After lodging of FIR, case was registered. After completion of investigation, the case has been registered.
6. Considered on the material present in the case diary, the allegation against this applicant is although of a very heinous nature but on perusal of the certified copy of the deposition of the prosecutrix before the trial Court, it appears that she has not stated anything against this applicant, because of which she has been declared hostile. Hence, looking to this development in the trial, I am of this 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 him 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 him appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge