

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2102 of 2018

- Sohel Aarif S/o Abdul Kayum Aged About 30 Years R/o- Ward No. 3 Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

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

02/05/2018

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–Ramanujganj, District– Balrampur-Ramanujganj(C.G.) for the offence punishable under Section 376(2)(n) of Indian Penal Code and Section 6 of the Protection of Children From Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 1.8.2017. After completion of investigation, charge-sheet has been filed. The prosecutrix and her mother both have been examined before the trial Court and both of them have not supported the prosecution case.

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 prosecutrix was minor only of 16 years on the date of incident, hence, no case is made out for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, this applicant is Principal of Gousiya Madarsa School, Ramanujganj between 13.3.2017 to 19.7.2017 the applicant threatened the minor prosecutrix, aged about 15 years, by saying that he will make her fail in the exam and thereafter forcefully got her submission and committed rape on number of occasions. The prosecutrix disclosed about the incident to her mother and then the FIR was lodged.
6. Perused the certified copy of the deposition of prosecutrix and her mother before the trial Court which shows that both these witnesses have not supported the case of prosecution, hence, they were declared hostile by the prosecutor as both these witnesses happen to be material in this case, hence, I am of this opinion 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 Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge