

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2093 of 2018**

Hussain Khan @ Manjhala Pathan, S/o. Salim Khan, Aged About 22 Years,
Caste- Muslim, R/o- Murum Khadan Khamtarai, Police Station- Sarkanda,
Tahsil and District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Sarkanda, District-
Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Surfaraj Khan, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**03/05/2018**

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.89/2017, registered at Police Station – Sarkanda, District – Bilaspur (C.G.), for the offence punishable under Section 342, 506 & 376 of the Indian Penal Code & Sections 4 & 6 of Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 06.02.2017. No offence is made out against him according to the case of the prosecution. The main witnesses in this case have already been examined before the trial Court, hence there appears no chance of tampering or influencing of any witnesses and presently 11 more witnesses in the prosecution list are remaining to be examined. Applicant is in jail since more than one year and the trial against him is

still not concluded. Hence, under these circumstances, it is prayed that he may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that looking to the allegation against the applicant, 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. As per the prosecution case, on the date of incident, this applicant confined the minor prosecutrix and by putting her under threat forcefully raped her. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considered on all the material present in the case diary, in the medical report, the doctor has given negative opinion, hence after due consideration and for the reason of delay in conclusion of trial, 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