NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2414 of 2018

- Majhar Khan S/o Late Idrish Khan Aged About 38 Years, R/o Near Tarun Bazar, Santoshi Nagar, Police Station Tikra Para Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Krishnakumar Dixit, Advocate.
For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-05-2018

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 02-08-2017 in connection with Crime No.391/2017 registered at Police Station Tikrapara, District Raipur, Chhattisgarh for the offence under Section 377/34 of the IPC and Section 3(A), 4 of Protection of Children from Sexual Offences Act 2012.

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 02-08-2017. Charge sheet has been filed after completion of the investigation and the trial is still pending. Co-accused person has been granted bail and the applicant is also similarly placed, hence, it is prayed that this applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that allegation against this applicant is serious and he is the main accused person, hence, the application may be rejected.

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

5. According to the prosecution case, it is alleged that this applicant satisfied his unnatural lust with the complainant/victim by way of oral sex. In the meanwhile, co-accused Hafiz Khan was also associated with him. Thereafter, the victim has lodged the FIR. Hence, this case.

6. After due consideration on the material present in the case diary and taking into consideration the fact that the co-accused has been granted bail, and further, that the trial has not made any progress so far, I am of this view that this applicant should be granted regular bail.

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

Aadil