

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2317 of 2018**

Atiq Ansari, S/o Shri Habib Ansari, Aged 30 years, Caste Muslim, R/o Village Godri Para, Post Office Line P.S. - Chirmiri, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Out Post – Korbi, Pasaan, District Korba (C.G.)

---- Non-applicant

For Applicant	:	Mr. Akhtar Hussain, Advocate.
For Non-applicant/State	:	Mr. Gary Mukhopadhyaya, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**07/05/18**

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 have been arrested in connection with Crime No.04/2018 registered at Police Station Out Post Korbi, P.S. Pasaan, District Korba (C.G.) for the offence punishable under Sections 376 and 506 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that the applicant has committed sexual intercourse with the prosecutrix from 17-02-2017 to 03-01-2018 on the pretext of marriage and thereby committed the aforesaid offence.

4. Learned counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in crime in question, FIR has been lodged with a delay of 11 months, he is in jail since

08-01-2018 and charge-sheet has been filed, therefore, the applicant may be released on regular bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, material available on record, the applicant is in custody since 08-01-2018 and the charge-sheet has been filed, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is 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 trial Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge