

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C No. 2954 of 2018**

- Mohammad Hasarat Ansari S/o Late Saleem Ansari Aged About 26 Years Caste Muslim, R/o Jungle Para Ward No. 5, Nagri District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Nagri District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh.

**---- Respondent**

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For the Applicant : Shri Gautam Khetrapal,  
Advocate.

For the Respondent/State : Shri Vinod Tekam, PL.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**15.05.2018.**

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. 71/2017, registered at Police Station – Nagri, District – Dhamtari, (C.G), for the offences under Sections 365, 376(2), 506 Part 2, 345, 341, 120-B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10.11.2017. The Prosecutrix in this case is a major lady. The applicant and prosecutrix had love affair and they want to get marry. But both of them belonged to different community hence, it was not possible for their society to permit them to get married, because of which, the prosecutrix willingly went with the present applicant to different places Tamil Naidu, Hyderabad, Rajasthan, Andra Pradesh, Ajmer Sharif, Maharashtra, etc. She had all the opportunity to raise alarm that she has been abducted or raped by the present applicant. Subsequently, they have married in Arya Samaj Temple, at Raipur, which has also been certified. The prosecutrix has given an incorrect statement under the pressure of his family members, hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State opposes the bail application and submits that there is ample evidence present against this applicant, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, on 28.09.2017 this applicant abducted the prosecutrix and took her different places, where while residing in the hired accommodations the offence of rape was committed by this applicant with the prosecutrix without her consent. The prosecutrix was kept in confinement during the whole period and she was recovered on 09.11.2017 and, thereafter, on the basis of statement given by her, the offence has been registered against the present applicant. It is mentioned in the statement of the prosecutrix under Section 161 of Cr.P.C that marriage has been performed in the Arya Samaj Temple, at Raipur.

6. Considering the submissions made, contents of the case diary and looking to this fact that the prosecutrix was a major lady on the date of incident, it appears that the applicant has a case to defend himself before the trial Court. For the present, I am of the view that this applicant is entitled for grant of bail.
7. It is directed that the applicant shall be released on bail on 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 his appearance as and when directed.

**Sd /-**

**(Rajendra Chandra Singh Samant)**  
Judge

Jamal