

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2757 of 2018**

Zafar Khan, S/o. Kamaal, Aged About 18 Years, R/o. Near Masjid, Village Haddua, Police Station Ghumka, Tahsil and District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Ghumka, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate

For State/respondent : Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/06/2018**

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.207/2017, registered at Police Station – Ghumka, District – Rajnandgaon (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 and 6 of POCSO Act and Section 246, 196, 391, 132, 181 of the Motor Vehicle 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 21.07.2018. Charge-sheet has been filed after completion of investigation. The prosecutrix has been examined before the trial Court and she has not supported by the prosecution case. Hence, looking to the change in circumstances, it is prayed that the applicant

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.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, this applicant abducted the minor prosecutrix and kept her in confinement in Raipur, where he committed sexual intercourse on several occasions, which amounts to offence of rape. Hence this case.
6. Considered on the submissions made and the contents of the case diary. As it is submitted that the prosecutrix has been examined and she has not supported the case of the prosecution, which it appears to be change in circumstance, hence for this reason, 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