

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2867 of 2018**

Mustafa Khan, S/o. Sattar Khan, Aged About 35 Years, R/o.- Surta Bazarpara, P.S.- Ramanujnagar, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Ramanujnagar, Revenue and Civil District- Surajpur, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 2996 of 2018**

Mukarrimkhan S/o Late Hamid Khan, Aged About 35 Years, R/o. Surta Bazarpara, P.S. Ramanujnagar, Distt. Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, P.S. Ramanujnagar, Distt. Surajpur Chhattisgarh.

---- Respondent

For Applicants	: Mrs. Indira Tripathi & Mr. Surfaraj Khan, Advocates
For State/respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/06/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.232/2017, registered at Police Station – Ramanujnagar, District – Surajpur (C.G.),

for the offence punishable under Section 306, 457, 354, 376 (?k) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. According to the prosecution itself, the date of incident is 01.12.2017 and the mourge intimation does not disclose any allegation against the applicants and the deliberate and delayed FIR has been lodged on 13.12.2017 implicating the applicants. Whereas, the father of the deceased has made a complaint from jail alleging that the complainant in this case Tej Ram and others have forcefully administered poisonous substances to his daughter, the deceased because of some property dispute. Hence, it is totally concocted case. Therefore, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, on 01.12.2017, the deceased Saniyaro Bai was found dead after consumption of some poisonous substances. On that basis, mourge intimation was recorded. FIR was lodged on 13.12.2017 by Tejram making allegation against the applicants and on that basis, the offences have been registered against the applicants.
7. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary,

delay in lodging of FIR, recording of statement of the witnesses needs explanation, which may be dealt with by the trial Court, for the present this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge