

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4160 of 2018**

Sarfaraz @ Pappu Khan S/o Naseem Ahmad, Aged About 36
 Years R/o Janakpur, Police Station Janakpur, District Korla
 Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police
 Station, Janakpur, District : Korla (Baikunthpur),
 Chhattisgarh --- **Respondent**

For the applicant	:	Mrs. Hamida Siddiqui, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****25.06.2018**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 49/2017 registered at Police Station Janakpur, District Korla (C.G) for the offences punishable under Sections 376, 306, 34 of IPC and Sections 3, 4, 16 & 17 of the Protection of Children from Sexual Offences Act & Section 3(1)(xii) & 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, one Basanti committed suicide by hanging on 04.05.2017. It is alleged that she was in relation with the present applicant who had committed forceful sexual intercourse with her and when the marriage of Basanti was fixed, the present applicant along-with other accused Pawan Kumar Agariya and Vinod Kumar Dahiya

pressurized her not to marry and the applicant has assaulted the deceased, on account of which, she committed suicide.

3. Learned counsel for the applicant submits that the first bail application was dismissed on 18.01.2018 and thereafter witnesses Ramkali and Sukhlal the mother and father of the deceased respectively have been examined and they have turned hostile. She further submits that the other witnesses Vijay Singh, Virbhan Singh, Sonsai, Devlal & Vijendra Singh have also been examined and they have not supported the case of prosecution. It is also submitted that the appellant is in jail since 08.05.2017, therefore, he may be enlarged on bail
4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that most of the witnesses have turned hostile.
5. Considering the fact that the witnesses have not supported the case of prosecution and looking to the period of custody of the applicant as he is stated to be in jail since 08.05.2017, without any observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**