

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4174 of 2018

- Irshad Ansari S/o Shahjad Ansari, Aged About 24 Years R/o Chutaru, Police Station - Ranka, District Gadwa (Jharkhand).

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Shri A. Pandey, Advocate.
For Respondent	:	Shri Ravindra Agrawal, Government Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

02/07/2018

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 25.6.2017 in connection with Crime No.56/2017 registered at Police Station Ramanujganj, District Balrampur Ramanujganj (CG) for the offence punishable under Sections 363, 366 & 376 (2) (ढ) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant abducted the prosecutrix, aged about 14 years, from the lawful custody of her parents, took her to village Chutaru, District Gadwa (Jharkhand) and there committed forcible sexual intercourse with her. Missing report of the prosecutrix was lodged by her mother on 22.4.2018 and the prosecutrix was recovered on 24.4.2017 from the house of applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offence. He further submits that the prosecutrix of her own accompanied the applicant, they performed marriage and thereafter both of them stayed till 24.4.2017 as husband & wife. He further submits that as their relation was not liked by the parents of the prosecutrix, therefore, a false report has been lodged. There is no conclusive evidence showing the prosecutrix to be minor on the date of alleged incident. Most importantly the prosecutrix has not supported the prosecution case during her examination in the trial Court and has been declared hostile. In these circumstances, the applicant is entitled to be released on regular bail.
4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Taking into consideration the facts and circumstances of the case, in particular the nature of allegation levelled against the applicant and conduct of the prosecutrix, but without commenting anything on the merits of case, I am inclined to release the applicant on regular bail.
6. Accordingly, it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-