

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 4451 OF 2018

Nafees Ansari S/o Late Shri Hanif (Pachuwa) Aged About 35 Years R/o- Bhawrahi, Police Station And District Surajpur, Chhattisgarh.

... Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Odgi, District- Surajpur, Chhattisgarh.

... Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/07/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 06.12.2017 in connection with Crime No. 89 of 2017 registered at Police Station Odgi, Distt.Surajpur for the offence punishable under Sections 363, 366, 376 and 506 IPC, under Section 8 of the POCSO Act and Section 3(2)(5) of the SC & ST Act.
2. As per prosecution case, the applicant is said to have forcefully entered into the house of the prosecutrix and is said to have ravished her leading to filing of FIR.
3. Learned Counsel for the applicant submits that during the course of trial the prosecutrix has been examined and she has not supported the case of the prosecution and have turned hostile. Therefore, the applicant be released on bail.
4. This submission is not disputed by the counsel for the State.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that the prosecutrix has turned hostile and have not supported the case of the prosecution, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge