

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5137 of 2018

- Mojahid Ansari S/o Shri Israyeel Ansari Aged About 27 Years R/o Vijay Nagar P. S. Ramanujganj Distt. Balrampur- Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ramanujganj Distt. Balrampur- Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.144/2017, registered at Police Station– Ramanujganj, District– Balrampur, Ramnujganj(C.G.) for the offence punishable under Sections 376(2)(d) of the Indian Penal Code, 1860.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 22.12.2017. No case is made out against him. The prosecutrix before the trial Court has not supported the case of prosecution. Hence, it is

prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. It is alleged that this applicant has raped the prosecutrix in this case without her consent and willingness.
6. Considered on the entire material present in the case diary, the prosecutrix is of age about 30 years and according to the certified copy of the deposition of the prosecutrix before the trial Court, it appears that she has been declared hostile by the prosecution. For these reasons, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha