

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5569 of 2018

Shakir Khan S/o. Taj Mohd. Khan, aged about 27 years, residing at Chandani Chowk village- Sambalpur, P.S. Bhanupratappur, District- North Bastar, Kanker (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Police Station, Bhanupratapur, District North Bastar, Kanker (C.G.).

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate
For Respondent	:	Mr. Vaibhav Goverdhan, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

18/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 39/2018 registered at Police Station- Bhanupratapur, District- North Bastar, Kanker (C.G.) for the offence punishable under Sections 376 (2) (N) (I) & 506 Part-II of the IPC and Section 6 of the POCSO Act.
2. As per prosecution story, on 03/04/2018 the prosecutrix, a girl aged about 16 years lodged an FIR against the present applicant alleging therein that the applicant committed rape with her on 16/06/2016 and 25/06/2016. On the basis of the said report, offence has been registered. During course of investigation, the applicant has been arrested on 17/04/2018.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated. He further submits on 03/04/2018 itself, the prosecutrix had lodged 4 different FIRs against 4 different persons (including the present applicant). On the basis of the said FIRs, total four crime numbers have been registered by the police. In Crime No. 38/2018, the allegation of rape has been made by her against one- Shubham Tiwari. In Crime No. 40/2018, the allegation of rape has been made by her against one- Golu @ Himanshu. In Crime No. 41/2018, the allegation regarding caught hold of her hand, has been made by her against one Raja Khan. And in the present crime, the allegation of rape has been made against the present applicant. He further submits that looking to the above, it seems clear that she made false complaint against the present applicant. He further submits that the applicant is in custody since 17/04/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that on 03/04/2018 itself, the prosecutrix had lodged four different FIRs against four different persons and further considering that the applicant is in custody since 17/04/2018 and charge-sheet has already been filed, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul