

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6454 of 2018**

- Abdul Ajaz Khan S/o Late Abdul Ajieez Khan, aged about 29 years, Caste Musalman, R/o Mata Mandir Road, Pathraguda, Ward No.05, P.S. Kotwali, Jagdalpur, District Bastar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : P.S. - Kotwali, Jagdalpur, District Bastar (C.G.)

---- Respondent

For Applicant. : Shri Vikash Shrivastava, Advocate.
 For Respondent. : Shri Ashutosh Pandey, P.L.
 Prosecutrix is also present in person.

Hon'ble Smt Justice Rajani Dubey**Order on Board****04/010/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 04.05.2018 in connection with Crime No.03/2018 registered at Police Station : Kotwali, Jagdalpur, District Bastar (C.G.) for the offence punishable under Sections 509, 294, 506(b), 376 IPC and 3(2)(v) of SC/ST Act.
2. As per the prosecution case, on 02.12.2017 the applicant came to work place of the prosecutrix and tried to insult her modesty, used obscene word and threatened her for dire consequence in front of her friends. Further case of the prosecution is that the prosecutrix was subjected to forcible sexual intercourse by the applicant.
3. Learned counsel for the applicant submits that neither the

prosecutrix was subjected to sexual intercourse by the appellant nor she has filed any such complaint to that effect. He has further argued that according to her written report dated 06.12.2017, the applicant only used filthy language. It has been also argued that there is inordinate delay in lodging the FIR. According to prosecutrix, the incident occurred on 02.12.2017 whereas the report has been lodged on 02.01.2018.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and the nature of evidence, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-

(Rajani Dubey)
Judge