

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6683 of 2018

1. Tahir Husain S/o Late Jaifuddin Kadri Aged About 34 Years R/o- Masjid Para Gamhariya, Out Post- Vijaynagar, P.S. Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.
2. Nuresha Khatun W/o Tahir Husain Aged About 31 Years R/o- Masjid Para Gamhariya, Out Post- Vijaynagar, P.S. Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- S.H.O. Police Station- Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	: Shri Vivek Kumar Tripathi, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/10/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 77/2018, registered at Police Station Ramanujganj District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376 (2) (N), 417, 313, 201, 506, 109 of the IPC and Section 6 & 17 of the POCSO Act.
2. As per the prosecution story, on 02.07.2018 complainant Jayarath Hussain father of the prosecutrix lodged a report with the averment that on 01.07.2018 his daughter/prosecutrix a girl aged about 15 years told him that Aslam Ansari S/o the present applicants on the protest of marriage committed rape with her, resultantly she become pregnant. It was further alleged that both the applicants and their son Aslam Ansari had given some medicine to the prosecutrix due to which abortion has

been made. On the basis of said complaint, offence has been registered and the applicants are in custody since 09.08.2018.

3. Learned counsel appearing on behalf of the Applicants submits that the applicants are innocent and have been falsely implicated in the present case, he further submits that the charge-sheet has already been filed, the applicants are in custody since 09-08-2018 and trial will take some time, therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, particularly, evidence collected by the prosecution and further considering the fact that charge-sheet has already been filed, the applicants are in custody since 09-08-2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge