

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7364 of 2018**

Mohd. Akhlak Ansari S/o Mohd. Taslim Ansari Aged About 23 Years
 R/o Village- Taalsehan, Chapra, Thana- Gorela, District- Vaishali,
 Bihar, At Present R/o Ward No. 12, B Type, Near Axis Bank Atm,
 Khongapani, Thana- Jhagrakhand, District- Koriya, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through District- Magistrate, District-
 Koriya- Baikunthpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Parag Kotecha, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/11/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.54/2018 registered at Police Station Jhagrakhand, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 368, 376 (2) (j) (n) of IPC and Section 4,6,10,21 of POCSO Act.
3. Case of the prosecution, in brief is that the present applicant and co-accused namely Abhijit Pal @ Pinku, Manoj Kumar Choudhari, Hem Raj Panika @ Sonu, Rakesh Kumar, Avinash Pal @ Chintu, Ashraf Ali @ Teepu, Jitendra Kumar Rai, Nitesh Singh @ Chintu @ Bhola and Deepak Soni are said to have forcefully abducted the prosecutrix and took her to different places where they had committed sexual intercourse with her.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. As per the web copy of the order in MCRC No. 7570 of 2018 decided by

co-ordinate Bench of this High Court produced by the counsel for the applicant, co-accused namely Abhijit Pal @ Pinku, Manoj Kumar Choudhari, Hem Raj Panika @ Sonu, Rakesh Kumar, Avinash Pal @ Chintu, Ashraf Ali @ Teepu, Jitendra Kumar Rai, Nitesh Singh @ Chintu @ Bhola and Deepak Soni have been enlarged on bail, prosecutrix has totally turned hostile in trial Court. The case of the applicant is not severe than the case of the aforesaid co-accused.

7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde