

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7685 of 2017

- Muntzir Shekh Alam S/o Hafij Hasibur Rahman, Aged About 24 Years
R/o Pahadiya, Police Station Baisi, District Purniya, Bihar., Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Suhela, District
Baloda Bazar Bhatapara Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Advocate.
For Respondent/State	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 83/2017, registered at Police Station- Suhela Revenue & Civil, District – Baloda Bazar Bhatapara(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code (for short 'IPC') and Sections 4, 6 of Protection of Sexual Offences Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 26.7.2017 in the trial against him. The prosecutrix has been examined, who has turned hostile and not supported the case of prosecution and she is the only witness of the alleged offence committed by this applicant, hence, it is

prayed that applicant may be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that looking to the evidence and this fact that the age of prosecutrix was below 18 years, the applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As the case is this on 12.6.2017, the prosecutrix aged 17 years eloped with applicant. Both of them had been to Delhi, where they stayed for 2 to 3 days, thereafter, both of them went to Ahmadabad and while staying in a house under construction, applicant had physical relating with the prosecutrix. Father of the prosecutrix has lodged FIR and during investigation, the prosecutrix was recovered from the custody of this applicant on 24.7.2017. Hence, this case.
6. Considered.
7. Perused the certified copy of the statement of prosecutrix filed in this case, in which, she has turned hostile and not supported the case of prosecution. Under these circumstances, I am of this view that this is a fit case where applicant should be benefited with grant of regular bail.
8. Accordingly, the first 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 their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

