

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8172 of 2017**

Riyaj Khan, S/o. Nurul Islam, Aged About 20 Years, R/o. HSCL Colony Shivpara Station Maroda P. S. Newai District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Newai, District -Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Kumar Agrawal, Advocate

For State/respondent : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/03/2018**

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.182/2017, registered at Police Station – Newai, District – Durg (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 3, 4 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Prosecutrix in this case had been major girl of more than 18 years of age and no offence of rape has taken place in this case. Prosecutrix has been examined before the trial Court subsequent to the filing of charge-sheet in which she has turned hostile and not supported the case of the prosecution. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The minor prosecutrix went missing on 15.08.2017. On 16.08.2017 missing report was lodged by the maternal uncle of the prosecutrix in the concerned police station and the prosecutrix was recovered on the same day from the custody of this applicant.
6. Considered on the submission made and the contents of the case diary and also perused the certified copy of the deposition of the prosecutrix, who has made no allegation against this applicant in her statement before the Court for which she has been declared hostile by the prosecution. Considering the change of circumstances, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge