

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3552 of 2019**

- Gufran Qureshi @ Aman S/o Noorhasan, Aged About 33 Years, R/o Village Khadda, Police Station- Chhapaar, District Mujaffarnagar Uttar Pradesh., District : Muzaffarnagar, Uttar Pradesh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Rahim Ubwani, Advocate.

For Non-applicant/State – Shri Roshan Dubey, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**14-08-2019**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 07-03-2019 in connection with Crime No.83/2019 registered at P.S. - Khairagarh, District Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376 of IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 07-03-2019. No case is made out against the applicant. The prosecutrix has been examined before the trial Court where she has not supported the prosecution case, therefore, nothing is left in the prosecution against this applicant. Hence, it is prayed that applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, therefore, the application may be rejected.

4. Notice upon the informant/complainant has returned served even then there is no representation.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix of age 15 years and 3 months and then he has exploited her sexually.
7. On perusal of the certified copy of the deposition of the prosecutrix herself, it is found that she has not supported the prosecution case in any manner because of which she has been declared hostile. Therefore, looking to this development, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**