

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3588 of 2019

- Shahabuddin Qureshi Akhatar Mohammad Qureshi Aged About 65 Years
R/o Village Doothkaitha Police Station Rajim District Gariyabandh
Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Rajim, District Gariyabandh
Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant : Shri Pragalbha Sharma, Advocate.
For Respondent/State : Shri Rajesh Singh, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/06/2019

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 20.04.2019 in connection with Crime No. 75/2019 registered at Police Station – Rajim, District – Gariyabandh, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2), 109 of the Indian Penal Code and Section 4 & 17 of POCSO, Act, 2012.
2. It is submitted on behalf of the Applicant that the Applicant has been falsely implicated in this case. No case is made out against him. Applicant is in jail since 20.04.2019 and he is a 65 year old man. Charge-sheet has already been filed. There is no likelihood of earlier conclusion of the trial. Hence, under this circumstance, it is prayed that he may be granted bail.
3. Learned Counsel for the State/Non-Applicant opposes the bail application and submits that Applicant has played important role in

abduction and confinement of the minor prosecutrix. Therefore, looking to the above, Applicant should not be enlarged on bail.

4. Heard learned Counsel for the parties and perused the case diary.
5. As per the prosecution case, co-accused Nassiruddin, son of the present Applicant abducted the minor prosecutrix and had kept her in Santoshi Nagar, Raipur. Allegation against the present Applicant is that he helped the main accused in the abduction and confinement of the prosecutrix.
6. After considering the entire material present in the case and looking to the role played by the Applicant and also considering his age and also the reason that there is likelihood of delay in conclusion of the trial, I feel inclined to allow this application.
7. Consequently, the 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.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge