

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3798 of 2019**

Aamir Khan S/o Mohd. Hussain Aged About 27 Years R/o Pahiya, Khanpara,
Police Station Chandora, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate.
For the Respondent/State	:	Shri Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2019**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 22.2.2018 in M.Cr.C. No. 6912 of 2017. The applicant has been arrested in connection with Crime No.351 of 2017, registered at Police Station – Ambikapur, District Surguja, Chhattisgarh for the offence punishable under Sections 363, 366, 376(घ), 376(2)(dha) of the Indian Penal Code and Section 5 (घ) read with Sections 6 and 5 (tha) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.6.2017 and has been falsely implicated in this case. No case is

made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant abducted the minor prosecutrix and then raped her.

6. On perusal of the certified copy of the statements of the prosecutrix, it appears that she has not made any statement against this applicant therefore, she has been declared hostile by the prosecution. As the prosecutrix is the only star witness of this case who has turned hostile, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge