

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4600 of 2019**

- Niyaz Ahmed S/o Siraz Ahmed, aged about 20 years, R/o Moti Nagar, Near Petrol Pump, Thana - Tikrapara, Raipur, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Ganj, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate.
For Respondent	:	Ms. Rina Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/08/2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 02.02.2019 in connection with Crime No.28/2019 registered at Police Station, Ganj, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 IPC, Section 6 of Protection of Children From Sexual Offences Act, 2012 (for short 'the POCSO Act') and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC/ST Act').
2. The prosecution case, in brief, is that on 27.01.2019, a missing report was lodged by Jagatram Harpal, father of the prosecutrix, alleging therein that his daughter is missing from his house and that she was taken by unknown accused. During investigation, it was revealed that the applicant, after alluring the prosecutrix, took her along with him on the

pretext of marriage and committed sexual intercourse with her. Based on this report, FIR was lodged and offence was registered against the applicant under Section 363, 366, 376 IPC, Section 6 of the POCSO Act and Section 3(ii)(v) of the SC/ST Act.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the case. It has been also submitted that the prosecutrix of her own accompanied the applicant. The applicant is in jail since 02.02.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be granted bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Having heard learned counsel for the parties and having regard to the fact that the applicant is languishing in jail from 02.02.2019, charge sheet has been filed and that the final disposal of the case will take some time, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge