

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4868 of 2019

- Mohammed Zabir Hussain @ Sonu Mohammed S/o Mr. Mohammed Kalim Hussain, Aged About 18 Years, R/o Raighar, Bus Stand, Police Station- Raighar, District- Navrangpur, Oddisa., Orissa

---- Applicant

Versus

- State of Chhattisgarh, through the Police Station- Farasgaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

----Non-applicant

For Applicant – Ms. Anuja Sharma, Advocate.

For Non-applicant/State – Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2019

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 15-08-2018 in connection with Crime No.44/2018 registered by P.S. - Farasgaon, District- Kondagaon, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC & Section 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 15-08-2018. The trial against the applicant has made progress in which the prosecutrix has been examined and she has not supported the prosecution case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

4. The complainant/informant has been served with notice by this Court, but, none have appeared and 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 by making false promise of marrying her and then by taking her to various places he has exploited her sexually.

7. On perusal of the certified copy of the deposition of the prosecutrix herself which is filed along with the petition, it is found that she has not at all supported the prosecution case, because of which she has been declared hostile. Therefore, looking to this development in the trial against the applicant, 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