

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4959 of 2019**

1. Meraz Ansari S/o Alijaan Ansari, R/o Village Dabgadi (Barbaspur) Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
2. Imam Husain S/o Alijaan Ansari, R/o Village Dabgadi (Barbaspur) Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh.
3. Mubarak Ansari, S/o Ahemad Ansari, R/o Village Dabgadi (Barbaspur) Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Pratappur, District Surajpur Chhattisgarh.

---- Respondent

For the Applicants : Shri V.K. Pandey, Advocate.
 For the Respondent/State : Shri Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.08.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.29 of 2019, registered at Police Station Pratappur, District – Surajpur, Chhattisgarh for the offence punishable under Section 363, 366(A), 376(2)(n), 506 and 368/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 12.5.2019 and have been falsely implicated in this case. These applicants have not committed any offence. The main allegation is against

co-accused – Rostam @ Bablu. The names of these applicants are not reflected in the FIR and in the first statement of the victim recorded under Section 161 of the Cr.P.C. In subsequent development, the names of these applicants have appeared in the additional statement recorded under Sections 161 and 164 of the Cr.P.C. which clearly shows the concoction against these applicants. Hence, it is prayed that the applicants 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. It is submitted that according to the statement given by the prosecutrix, no case is made out for grant of regular bail to the applicants.

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

5. According to the prosecution case, on 5.3.2019, these applicants helped main accused - Rostam in abducting the minor prosecutrix and taking her to the railway station Ambikapur, from where she was taken by the main accused in his custody to Jabalpur and Mandla where while staying for sometime, the prosecutrix was ravished by the main accused. The prosecutrix was recovered on 10.5.2019. Hence, this case.

6. On perusal of the case-diary, it appears that the FIR and the first statement of the prosecutrix recorded under Section 161 of the Cr.P.C. does not reflect any specific mention of these applicants. Hence, for these reasons, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them 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 their 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