

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5811 of 2019

- Afzal Khan @ Aashif Memon S/o Ahmed Aged About 18 Years
R/o In Front Of Daily Market, Banglapara, Narayanpur, Police
Station And District Narayanpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Narayanpur,
District Narayanpur Chhattisgarh.

---- Respondent

For Applicant	: Shri Vishnu Koshta, Advocate
For Respondent/State	: Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

07/11/2019

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 in connection with Crime No.98/2019 registered at police station Narayanpur, District Narayanpur (CG) for the offence punishable under Section 376 IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act and Section 60(E) and 67-B of the Information Technology Act.

Case of the prosecution in brief is that the applicant had taken obscene photographs of the prosecutrix by subjecting her to forceful sexual intercourse.

Counsel for the applicant submits that the applicant has been

falsely implicated in the crime and the prosecutrix was aged more than 16 years of age and was a consenting party. He submits that the applicant is in jail; the charge sheet has already been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge