

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5911 of 2019**

- Md. Asfaq @ Nanka Ansari S/o Fazeel Ansari Aged About 35 Years, R/o Village Badpari Dadipara, Police Station Ramkola, District-Surajpur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Arun Kumar Shukla, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 351/2017 registered at Police Station Ambikapur, District-Surguja (C.G.) for the offence punishable under Sections 376 (घ) of the IPC and 5 ड/6 of POCSO.
2. The prosecution story, in brief is that, on 21.06.2017 the complainant forwarded a complaint that on 18.06.2017 co-accused on the pretext of marriage called the prosecutrix to the Ambikapur, at the night he committed rape with her along with his two other friends. In the morning taking her to Rajpur where he left her and ran away. Based on this offence has been registered against the present applicant and two other persons.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that other co-accused has already been granted

bail in MCRC Nos. 3798/2019 and the prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution. The applicant is in jail since 24.06.2017, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that other co-accused has already been granted bail in MCRC No. 3798/2019 and the prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution. The present applicant is in jail since 24.06.2017 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**