

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6809 of 2019

- Junaid Khan S/o Jakir Khan Aged About 22 Years Caste - Muslim,
R/o Govindpur, Police Station Jaari, District Gumla (Jharkhand)

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Jashpurnagar,
District Jashpur Chhattisgarh

---- Non-applicant

For Applicant	: Mr. A.K. Prasad, Advocate.
For Non-applicant/State	: Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

17-12-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application filed before this Court filed by the applicant for grant of regular bail. The earlier application M.Cr.C. No.4027 of 2019 was dismissed as withdrawn on 13.08.2019. The applicant has been arrested on 08.05.2019 in connection with Crime No.131/2019, registered at Police Station– Jashpurnagar, District- Jashpur, Chhattisgarh for offence punishable under Sections 323, 376 and 506-B of the Indian Penal Code and Section 3(2)(V) of the Scheduled Caste and Scheduled Tribe (Preventions of Atrocities) Act, 1989.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and falsely implicated in this case and he has not committed any offence. The prosecutrix has been examined before the trial Court and has not supported the prosecution case, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that there is evidence present against the applicant which may be substantiated on appeals of other witnesses of prosecution, therefore, it is prayed that his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant was known to the prosecutrix, he gave her lift on his motor cycle for dropping her in Kamlapur. It is alleged that the applicant stopped the motor cycle in forest areas and then after putting the prosecutrix under threat, forcefully raped her knowing that the prosecutrix was a member of Scheduled Tribe. Hence, this case.
6. Considering on the material present in the case diary and also perused the certified copy of deposition of the prosecutrix, which is filed along with the application, according to which, she was a hostile witness, therefore, looking to this development, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge