

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7018 of 2019**

- Sheikh Hanif Khan s/o Sheikh Wajir Khan, aged about 40 years, R/o Gauri Nagar, Ward No.14, Police Station Kotwali, Tahsil & District Rajnandgaon Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:Shri Aditya Bhardwaj, Advocate
For Respondent	:Ms. Reena Singh, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.428/2019, registered at Police Station – Kotwali, District Rajnandgaon(C.G.) for the offence punishable under Section 354 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the prosecutrix has lodged a report that on 27.7.2019, when she was watching T.V. in her house the applicant came and tried to outrage her modesty.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime and due to family dispute, the report has been lodged by her. He submits that charge sheet has been filed and before the Court, the

complainant and the prosecutrix both have turned hostile and the applicant is in jail since 30.7.2019 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the complainant and the prosecutrix have turned hostile, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge