

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9781 of 2018**

Ajay Mirre @ Birendar S/o Anukram Aged About 20 Years R/o Premnagar,
Dhummadand, P. S. Premnagar, District Surajpur Chhattisgarh, District :
Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Premnagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Surfaraj Khan, Advocate.
For the Respondent/State : Shri Rahim Ubwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.04.2019**

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.99 of 2017, registered at Police Station – Premnagar, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(I) and 506-II/ 34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.9.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Almost all the witnesses have been examined in

the trial except the prosecutrix who is not turning up before the Court deliberately, therefore, the applicant is languishing in jail without any fault on his part. Hence, for these reasons, it is prayed that the applicant 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 this applicant is the main accused person who has abducted and raped the prosecutrix. Hence, the applicant is not entitled for grant of regular bail.

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

5. The case of the applicant is that this applicant abducted the minor prosecutrix for the purpose of having illicit relation with him and by keeping in confinement exploited her sexually on number of occasions. The prosecutrix has made a statement against the applicant after the recovery from the custody of this applicant.

6. At present, for the reason that the applicant is in jail since more than 1 ½ years and the trial against him is getting delayed and no purpose would be served if the applicant is kept in detention for the whole period of trial, this application is allowed.

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

8. It is directed that 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 trial Court, for his 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

Nimmi