

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 658 of 2020

- Firoz Khan S/o Kamluddin Khan, R/o Raja Talab, Yadavpara, Ward No. 35, Police Station- Civil Line, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Khamtarai, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Devershi Thakur, Advocate
For Respondent/State	: Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

13/03/2020

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.401/2019 registered at police station Khamtarai, district Raipur CG) for the offence punishable under Sections 363,366,368 and 376 (2)(ॢ) IPC and Sections 4,5 (ॢ) and 6 of the POCSO Act.

As per prosecution case, the applicant along with the co-accused took the prosecutrix forcefully from the lawful guardianship of her parents to Tilda and committed rape on her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case and the applicant and prosecutrix were

having love affair. He submits that the prosecutrix is more than 17 years of age. He further submits that the applicant is in jail since 10.10.2019; charge sheet has 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