

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3724 of 2020**

- Javed Khan son of Abdul Gaffar, aged about 19 years, Caste- Muslim, resident of Gudubahal (Tantgaamba), Police Station Lailunga, District Raigarh (wrongly mentioned as District Jashpur) C.G.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station Patthalgaon, District Jashpur C.G.

---- Respondent

For Applicant.	:	Mr. J.K. Saxena, Advocate.
For Respondent/State	:	Mr. H.S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.07.2020**

1. Heard on Admission.
2. Admit.
3. 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. 276/2019 registered at Police Station - Patthalgaon, District Jashpur (C.G.) for the offence punishable under Sections 376(D), 366, 506-B, 34 of the IPC.
4. The prosecution story in brief is that, on 01.11.2019, co-accused Ajeet Banjara, Mahesh Banjara and Vivek Bhagat took the prosecutrix in hotel where they committed rape on her against her will. The allegation against the present applicant is that he was also present there when the co-

accused persons were committing the rape on prosecutrix. Based on that, after investigation, offence has been registered against him and he has been arrested.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that prosecutrix herself in her 161 Cr.P.C. statement as well as in the FIR has stated nothing incriminating against the present applicant and clearly stated only the name of other three accused persons. He next added that the applicant is in jail since 20.12.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
6. Per contra, learned state counsel opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix and the fact that the prosecutrix has not stated anything incriminating against the present applicant in the FIR as well as in her 161 Cr.P.C. statement before the trial Court as the applicant is in jail since 20.12.2019 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.

9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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

Vijay Sahu