

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5806 of 2020

- Mohd. Guddu, S/o Mohd. Rudal, Aged About 22 Years, Caste-Muslim, R/o Gudri Bazaar, Salapatganj, P. S. Bhagwan Bazaar, District- Chhapra (Bihar)

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer Surajpur, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Surfaraj Khan, Advocate
Ms. Fouzia Mirza, Addl. AG

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

05/10/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.106/2019, registered at Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 363, 366 & 376 (2) (n) of the IPC and Section 6 of the POCSO Act.
2. For a period of 2 years before March, 2019, the applicant and the prosecutrix were connected through mobile and started liking each other. In March, 2019, the prosecutrix went to Raipur where the applicant was waiting to receive her at the railway station. Thereafter they went to Bangalore and stayed together for about

2-3 weeks and later the applicant took her to Chhapra (Bihar). After staying together for sometime at Chhapra, the applicant went to his place of work at Bangalore leaving the prosecutrix at Chhapra. After about 5-6 months, the prosecutrix returned to her village. In her statement recorded under Section 164 of CrPC, she has denied that the applicant has committed rape with her.

3. Learned State counsel would oppose the prayer for grant of bail.
4. Considering the entire facts situation of the case, particularly for the reason that the applicant is in jail since 04.03.2020 and the charge sheet has already been filed, this Court is inclined to release the applicant on bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Prashant Kumar Mishra
Judge

Nirala