

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6242 of 2019**

- Mohammad Israel S/o Mohammad Kaleem Aged About 33 Years Residing At Village Ambedkar Nagar Near Hussain Sagar Talab Katghora District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ajak / Katghora Korba District Korba Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P. K. Tulsyan, Advocate.
For Respondent	:	Mr. Anil Tripathi, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.01.2020**

- Earlier, a notice was sent to the complainant/informant and a date of 12.12.2019 was fixed for his/her appearance before the Court but the complainant/informant did not present on the same date before the Court.
- 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. 115/2019 registered at Police Station - Katghora/Ajak District Korba (C.G.) for the offence punishable under Sections 376, 417, 363 of IPC, Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.
- The prosecution story in brief is that, on 12.05.2019, prosecutrix has lodged the FIR against the present applicant alleging that applicant has committed sexual intercourse with the prosecutrix on the pretext of marriage. On the basis of

that, after investigation, offence has been registered against the applicant and he was arrested.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that in the statement of prosecutrix recorded under Section 164 of Cr.P.C., she did not support the case of the prosecution. He further submits that applicant is jail since 12.05.2019, there is no previous antecedent against him, therefore, the present appellant may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the that fact that the prosecutrix has not supported the case and turned hostile, 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.
- 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