

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7159 of 2019

- Abbash Khan S/o- Jafar Khan Aged About 19 Years R/o- Brij Nagar, New Basti, Motinagar, Raipur, P.S. - Tikrapara, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. - P.S. - Bhatapara (Gramin), District- Baloda-Bazar-Bhatapara, Chhattisgarh,

---- Respondent

For Applicant	: Shri Avinash K. Mishra, Advocate
For Respondent/State	: Shri Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/02/2020

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.304/2019 registered at police station Bhatapara (Gramin), Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 376,506 and 384 IPC and Section 4 of the Protection of Children from Sexual Offences Act.

As per prosecution case, a report was lodged by the prosecutrix alleging that the accused has subjected her to sexual intercourse after threatening her on the point of knife. It is alleged that he was trying to blackmail her that he will make it viral in social media.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He further submits that there was a delay of nine months in lodging the FIR. He submits that the prosecutrix is more than 16 years of age and nothing has been seized from the applicant. He submits that the applicant is in jail since 25.07.2019; the 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