

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1105 of 2021

- Mohammad Ismail S/o Mohammad Iqbal, Aged About 19 Years, R/o Govind Nagar Sirgitti, Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Scheduled Caste Welfare / AJK District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Shri Tarun Dansena, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08-10-2020 in connection with Crime No.146/2019 registered at Police Station - Scheduled Caste Welfare, District Bilaspur Chhattisgarh for the offence under Section 363, 366, 354, 342, 323 of the IPC, Section 12 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated. The prosecutrix is not minor. The applicant and the prosecutrix both had love affair and they have married. Therefore, no case is present against the applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age below 18 years, therefore, offences registered against the applicant are made out. Hence, the application

may be rejected.

4. The prosecutrix is present before this Court and represented by counsel Shri Tarun Dansena. She has no objection in grant of bail to the applicant.

5. Heard the submissions and perused the documents.

6. The prosecution case is this, that this applicant abducted the minor prosecutrix, then outraged her modesty, kept her in confinement and also thrashed her causing simple injuries to her. The prosecutrix is a member of Scheduled Castes/Scheduled Tribes.

7. Considered on the submissions and looking to the current development of things and no objection of the complainant side, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge