

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3132 of 2021**

Jishan Ayyub @ Jishan Saeed S/o Ayyub Khan Aged About 22 Years R/o Village Azad Muhhlla Anand Bhawan Line, in back of Masjid, Thana Plat Side Rourkela District Sundargarh, Orissa.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Ms. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.102 of 2019, registered at Police Station – Pithora, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 21.11.2020 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. makes it clear that there had never been any physical relation between the applicant and the

prosecutrix. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clear and categorical, that the minor prosecutrix was abducted, forcefully married and then raped by the applicant. Hence, no case is made out for grant of bail to the applicant.

4. The minor prosecutrix is present before this virtual Court through the Help-Desk of the DLSA, Mahasamund. She made a statement that she has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years, took her to Calcutta where he married and also had forceful sexual relation with her regarding which, FIR has been lodged.

7. Considered the submissions and the facts present in this case. Taking into consideration the fact, that the statement of the prosecutrix under Section 164 of the Cr.P.C., in which she has stated that physical relation between her and the applicant has not taken place, therefore, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge