

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3572 of 2021

- Abdul Mujahid S/o Abdul Jabbar, Aged About 18 Years, R/o Ganeshnagar Chuchuhiyapara Police Station Sirgitti Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through, S.H.O. Police Station Sirgitti District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Awadh Tripathi, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2021

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 23-04-2021 in connection with Crime No.166/2021 registered at P.S. - Sirgitti, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 23-04-2021. The prosecutrix and her father both have been examined in the trial and they have not supported the prosecution case. Therefore, it is prayed that this applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix had been below 15 years and there is diary statement present against the applicant which may be established by other witnesses in the trial. Further, the applicant has one criminal antecedent of prosecution under the provisions of the IPC. Therefore, the application may be rejected.

4. The prosecutrix has virtually appeared before this Court on 04-08-2021 on notice and stated that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, on the date of incident this applicant abducted the minor prosecutrix regarding which a missing report was lodged. This applicant kept the prosecutrix in his custody and exploited her sexually. Hence, this case.

7. Considered on the submissions. Perused certified copy of deposition of the prosecutrix and her father, according to which, both these witnesses have been declared hostile by the prosecutor as they have not supported the prosecution case. Hence, looking to this development in the trial against the applicant, 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