

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5490 of 2021

- Faizan Khan S/o Mr. Mohammed Rafik Khan, Aged About 20 Years, Resident of House No. 23, Uday Nagar Ward, Kanker, Police Station Kanker, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through the Police Station Keshkal, District Kondagaon.

----Non-applicant

For Applicants – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Aditya Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2021

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 09-05-2020 in connection with Crime No.54/2020 registered at P.S. - Keshkal, District Kondagaon, Chhattisgarh for the offence under Section 363, 366, 376 (2)(N), 376(3) of the IPC and Section 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 09-05-2020. The statement of the prosecutrix under Section 164 of the Cr.P.C. mentions about her love affair and consensual relationship with the applicant. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor and her statement under Section 161 of the Cr.P.C. is against this applicant. Therefore, the application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 01-09-2021 and made a statement 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. As per the prosecution case, the applicant is alleged to have abducted the minor prosecutrix, kept her in his custody and exploited her sexually, regarding which the FIR has been lodged.
7. Considered on the submissions. Looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., I am of this view that this applicant should be granted bail.
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