

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6310 of 2021

- Imam Khan, S/o Mohd. Khan Aged About 26 Years, R/o Mutni, Police Station Bewar, District-Hamirpur, Uttar Pradesh, At Present R/o B.S.U.P. Colony, Block No. 4/9, Bhathagaon, Police Station-Purani Basti, Raipur, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Vidhansabha, Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. D. Kushwaha, Advocate.
For Respondent/State	:	Mr. Ankur Kashyap, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

05/10/2021

1. This is third bail application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him as he is in custody in connection with Crime No.220/2019 registered at Police Station-Vidhansabha, Raipur, District-Raipur (CG) for the offence punishable under Sections 363, 366, 376, 328, 34 of IPC; Sections 4 & 7 of POCSO Act and Section 3(2)(5) of ST/SC Act.
2. First application of applicant bearing MCRC No.5455 of 2019 was dismissed as withdrawn vide order dated 04.10.2019. Second bail application bearing MCRC No.2105/2020 was also dismissed as withdrawn vide order dated 23.3.2020.
3. It is submitted by the learned counsel for the applicant, that applicant has been falsely implicated in this case. He is in jail since 23.05.2019 and thereby he has completed more than two years in detention. Trial

has made some progress and according to statement of the prosecutrix and her mother, only allegation against this applicant is regarding outraging of modesty of minor victim. The trial is getting delayed, therefore, it is prayed that this bail application be allowed and he may be granted bail.

4. Learned counsel for respondent vehemently opposes the application and submits that the prosecutrix has very clearly made statement in the Court, that this applicant kept her in his custody and thereafter handed over her to co-accused for sexual exploitation. He abetted commission of offence of rape by co-accused, hence, this applicant is not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As per prosecution case, this applicant abducted minor prosecutrix, kept her in his custody for some time and during this period he also administered some intoxicating psychotropic substance to minor prosecutrix. Subsequent to that, this applicant handed over her to co-accused Syed Ali, who committed rape upon her.
7. Considered on the submissions. Looking to the evidence that is present in statements of prosecutrix that is against this applicant, I do not feel inclined to allow bail application of this applicant.
8. Accordingly, this third bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

