

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 2499 of 2024**

- Sohel Khan @ Tiger @ Jahir Khan S/o Vahab Khan Aged About 20 Years, Caste- Musalman, R/o Dalganjan Dafai, Chhota Bazar Chirmiri, Police Station Chirmiri, District- Korea, Chhattisgarh.

-----Applicant**VERSUS**

- State Of Chhattisgarh through – The Station House Officer, Police Station – Chirmiri, District - Manendragarh-Chirmiri-Bharatpur (C.G.).

-----Non-applicant

For applicants : Mr. Hemant Kumar Agrawal, Advocate
 For Non-applicants-State : Mr. Amit Verma, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****30/04/2024**

1. This is the first bail application filed by the applicant under Section 439 of Cr.P.C. for grant of regular bail, as he has been arrested in connection with Crime No. 236/2023 registered at Police Station – Chirmiri, District – Manendragarh-Chirmiri-Bharatpur, Chhattisgarh for the offences punishable under Sections 363, 366, 342, 328, 354, 354 (A) of the Indian Penal Code, 1860 and under Section 08 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and under Section 03 (1-w) (1) of the SC/ST (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that, the applicant and other 02 co-accused persons took the victim and her sister in house of co-accused, they were administered liquor and thereafter, accused persons committed forceful sexual intercourse with them. When victims were roaming on the road, police

intercepted them and took them to one stop Sakhi Center, informed their parents and recorded their statement under Section 161 of Cr.P.C. and thereafter, other offences were also added. Applicant was arrested on 17.06.2023.

3. Learned counsel for the applicant submits that applicant is innocent, he has been falsely implicated in the instant crime, he has not committed any offence as alleged. During trial, victim has now been examined before the learned Trial Court and they have not supported the case of prosecution. Therefore, he may be enlarged on regular bail.
4. On the other hand, learned State counsel opposes the submission made by learned counsel for the applicant and would submit that there are specific allegation against the applicant of committing sexual intercourse with the minor girl in the statement recorded under Section 161 and 164 of Cr.P.C. He however, further submits that the submission of counsel for the applicant relying upon the deposition of the victim is subject matter of appreciation by the learned Trial Court.
5. Pursuant to the notice issued by this Court, victim along with her father appeared before this Court through virtual mode from D.L.S.A. Chirmiri, and they submitted that they are having no objection in grant of bail to the applicant.
6. I have heard learned counsel for the respective parties.
7. Taking into consideration, facts and circumstances of the case, nature of allegations, submission of learned counsel for the respective parties as also, submission of counsel for the

applicant based upon the deposition of the victim, without commenting anything on the merits of the case, I am inclined to allow this application for grant of bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and 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 satisfaction of Trial Court concerned on the conditions that:

(i) He shall appear before the Trial Court concerned regularly on each and every date unless exempted from appearance.

(ii) He shall not, in any manner, tamper with the prosecution witnesses.

(iii) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

**Sd/-
(Parth Prateem Sahu)
Judge**