

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6282 of 2017**

Sondev S/o Ballu Banjara, aged about 23 years, R/o Village Bhoomiyapara Fasterpur Chowki Fasterpur Mungeli, District Mungeli, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Police Station Lormi, District Mungeli Chhattisgarh.

---- Respondent

For Applicant	:	Shri P. K. Tulsyan, Advocate
For Respondent/State	:	Smt. M. Asha, P.L. for the State

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 251/2015 registered at Police Station Lormi, District Mungeli (CG) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012. The applicant is in jail since 29.12.2015.

2. The allegation against the present applicant is that he is said to have abducted the prosecutrix, a minor girl aged around 15 years and kept her in confinement and maintained physical relationship with her.

3. Counsel for the applicant submits that after about two years now the prosecutrix has been examined before the Court below on 11.09.2017 and that she has not supported the case of the prosecution and turned hostile. He further submits that as on date the prosecutrix is a major girl and considering all these facts the applicant may be released on bail.

4. State counsel, however, opposes the bail application.
5. Considering the entire facts and circumstances of the case particularly the duration of custody undergone by the applicant and also taking note of the fact that the prosecutrix has not supported the case of the prosecution and turned hostile, this Court is of the opinion that it is a fit case where the applicant can be released on bail.
6. Accordingly, the application for grant of bail is 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 trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE