

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6263 of 2017**

Raju @ Rajkumar Padwar S/o Tihari, aged about 25 years, R/o
Bamhantara, P.S. Taregaon Jungle, District Kabirdham, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Taregaon Jungle, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant	:	Shri K. P. Sahu, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/11/2017**

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. 42/2017 registered at Police Station Taregaon Jungle, District Kabirdham (CG) for the offence punishable under Sections 363, 354 (ख), 34 of IPC and Sections 10, 11, 12, 17 of Protection of Children from Sexual Offences Act, 2012. The applicant is in jail since 01.07.2017.

2. The case, as per the prosecution, against the present applicant is that he in connivance with other accused persons is said to have abducted the prosecutrix and taken her to different places and tried to outrage her modesty.

3. Counsel for the applicant submits that the prosecutrix in the instant case has been examined before the Court below and she has not supported the case of the prosecution and has been declared hostile. He further submits that the co-accused with a similar allegation has already

been granted bail in M.Cr.C. No.4912/2017 vide order dated 20.11.2017, therefore, the present applicant also on the ground of parity deserves to be released on bail.

4. State counsel, however, opposing the bail application submits that the prosecutrix in the instant case was a minor and therefore, taking into consideration the gravity of the offence, the applicant may not be released on bail.

5. Considering the total facts and circumstances of the case particularly taking note of the prosecutrix turning hostile and the co-accused having already released on bail, this Court is of the opinion that it is a fit case for grant of bail to the applicant.

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