

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6713 OF 2017

Sikandar Bhuiya @ Mithun, S/o Situram Bhuiya, aged about 21 years, R/o Village Bandu, Police Station Ranka, District Gadhwa (Jharkhand)

... Applicant

versus

State of Chhattisgarh, through : Police Station Jainagar, District Surajpur (C.G.)

... Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 22.4.2017 in connection with Crime No.76/2017 registered at Police Station- Jainagar, District Surajpur, for the offence punishable under Sections 363, 366, 376(2)(G) of IPC and Section 6 of the POCSO Act, 2012.
2. Allegation against the Applicant as per the prosecution case is that the Applicant is said to have abducted the Prosecutrix, a minor girl aged around 17 years, and is said to have taken her to his house where he kept her in his confinement and is also said to have ravished her for a considerable long period of time.
3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the instant case and that the Prosecutrix in the instant case has already been examined before the trial Court where she has not supported the case of the prosecution and has turned hostile and even after declaring her hostile, the prosecution has not been able to extract much from her evidence and therefore the Applicant may be released on bail.

4. Learned Counsel for the State however opposing the bail application submits that the Prosecutrix on the date of incident when she had eloped with the Applicant was a minor and therefore even if there is a consent it is of no significance.

5. Considering the facts and circumstances of the case, particularly taking note of the fact that the Prosecutrix was more than 17 years of age and that she has already been examined before the Court below and where she has not supported the case of the prosecution and has turned hostile, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge