

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7417 of 2017**

Awadhesh @ Raju S/o Shubhraj Panika, aged about 26 years, R/o Tulsi Chowk, Katkona, Police Station Patna, District Korea, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Patna, Civil & Revenue District Korea, Chhattisgarh

---- Respondent

For Applicant : Shri Kaushal Yadav, Advocate
 For Respondent/State: Shri Garry Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/12/2017**

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. 202/2016 registered at Police Station Patna, District Korea (CG) for the offence punishable under Sections 363, 366, 506, 376 (2) (अ) (क), 34 of IPC and Sections 4, 6, 17 of the Protection of Children from Sexual Offences Act. The applicant is in jail since 17.04.2017.

2. The allegation, as per the prosecution, against the present applicant is that he is said to have abducted the prosecutrix, a minor girl and taken her to a different place and had physical relationship with her knowing fully well that she was a minor.

3. Counsel for the applicant submits that it is a case where the prosecutrix and her family members have been examined before the Court below and they have not supported the case of the prosecution and have been declared hostile. He submits that even in their cross-examination,

nothing much have been extracted to support the prosecution case. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposes the bail application on the ground that the prosecutrix in the instant case was a minor girl aged around 17 years 8 months and therefore, the applicant does not deserve to be released on bail.

5. Considering the total facts and circumstances of the case, particularly the statement of the prosecutrix and her family members recorded during the course of trial, 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