

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3472 of 2017

- Ashok S/o Pardeshi Yadav, Aged About 21 Years, R/o Batnara, Police Station- Dharsinwa, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Pandri, District- Raipur, Chhattisgarh.

... Respondent

For Applicant	:	Shri K.K. Pandey, Advocate.
For Respondent-State	:	Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/10/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 08.02.2017 in connection with Crime No.45/2017 registered at Police Station Pandri, District- Raipur, C.G. for the offence punishable under Section 363, 366, 376 of the IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
2. As per the allegations, the present applicant is said to have abducted the prosecutrix and confined her in an isolated place for a considerable period of time during which the present applicant is said to have maintained physical relation with the prosecutrix knowing the fact that the prosecutrix is a minor.
3. Learned Counsel for Applicant submits that the prosecutrix and her family members have been examined during the course of trial before the Court below and they have turned hostile and have not

supported the case of prosecution. He further submits that in the light of prosecutrix turning hostile, there is no possibility of present Applicant getting convicted and thus, he prays that the Applicant may be released on bail.

4. Learned State counsel opposing the bail application submits that the prosecutrix was a minor at the relevant point of time and therefore even if she would be a consenting party, her consent is of no consequence and thus prayed for the dismissal of the bail application.
5. Having considered the contentions put forth on behalf of either sides, taking note of the fact that the prosecutrix as well as her family members have not supported the case of prosecution and turned hostile while recording evidence, this Court is of the opinion that prima facie a strong case for grant of bail has been made out by 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 for a sum of Rs.20,000/- 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