

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3529 of 2017

- Arvind Das Mahant S/o Anup Das Mahant, Aged About 22 Years, R/o Village Kurda, Police Station Malkharoda, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : The District Magistrate- Janjgir, District Janjgir-Champa, Chhattisgarh

... Respondent

For Applicant	:	Shri Vivek Singhal, Advocate.
For Respondent-State	:	Shri U.K.S.Chandel, 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 21.12.2017 in connection with Crime No.244/2016 registered at Police Station Malkharoda, District- Janjgir-Champa, C.G. for the offence punishable under Section 363, 376(2) (I), 366, 366(A), 109/34 of the IPC and Section 06 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2-5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the allegation against the Applicant, he is said to have abducted the prosecutrix on 03-11-2016 and he is said to have confined her in a room and committed sexual intercourse on many occasions.

3. Learned Counsel for the Applicant submits that the Applicant has already remained in custody for a period of more than 09 months and that the prosecutrix in the instant case has been examined before the Court below and she has not supported the case of prosecution by turning hostile and she has totally denied anything as alleged against the present Applicant. Therefore, the Applicant prays for grant of bail.
4. Learned State counsel opposes the bail application on the ground that the prosecutrix is minor, even if there was consensual relationship, it is of no consequence.
5. Having considered the contentions put forth by either sides and after perusal of the record particularly statement of prosecutrix where she has turned hostile and has not supported the prosecution case, 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