

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 5021 of 2017

Ram Bai W/o Late Ramfal, aged about 50 years, R/o Village Kosga,
P.S.Lakhanpur, District Surguja (C.G.).

--- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Lakhanpur, District
Surguja (C.G.).

---Non-applicant

For Applicant	:	Shri Nishikant Sinha, Advocate.
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/11/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.38/2016 registered at Police Station Lakhanpur, District Surguja (C.G.) for the offence punishable under Section 363, 366, 365, 368, 342, 344, 506B, 376(i)(n)/34 of I.P.C. and 3(2-5), S.T.S.C. (Prevention of Atrocities) Act & 3, 4, 5, 6, 5(I) & 7 of POCSO Act 2012.
2. Present applicant is in jail since 13/06/2016.
3. As per the prosecutions case, the co-accused Vinod Panika is said to have taken the prosecutrix, a minor, aged around 15 years to the house of the present applicant and is said to have confined her at the house for about a weeks time during which she was subjected to sexual intercourse by the co-accused-Vinod.
4. The counsel for the applicant submits that, so far as the present applicant is concerned, the prosecutrix who has been examined before the Court below as PW/3 whose deposition was recorded on 25/10/2016

and where she has not supported the case of the prosecution so far as the present applicant is concerned and therefore he prayed for grant of bail to the present applicant.

5. The State counsel on due perusal of the deposition of prosecutrix and also perusal of the role alleged against the present applicant does not dispute the submissions made by the counsel for the applicant.

6. Considering the facts and circumstances of the case, particularly, taking note of the period of custody, coupled with the fact that the prosecutrix herself has not supported the case of the prosecution as regards the allegations which have been levelled against the present applicant, this court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on her executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

**Sd/-
(P. Sam Koshy)
Judge**