

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6266 of 2017**

Basant Singh @ Tikait Singh Khairwar S/o late Mahabir Singh, aged about 24 years, R/o Village Saraidih, P.S. Bhandriya District Gadwha (Jharkhand)

---- Applicant**Versus**

State of Chhattisgarh through Police Station Ramanujganj, District Balrampur, Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pramod Shrivastava, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/11/2017**

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. 02/2017 registered at Police Station Ramanujganj, District Balrampur - Ramanujganj (CG) for the offence punishable under Sections 363, 366, 376 (2)n of IPC and Sections 5(३) & 6 of Protection of Children from Sexual Offences Act. The applicant is in jail since 03.01.2017.

2. The allegation, as per the prosecution, against the applicant is that he is said to have abducted the prosecutrix, a 16 years 10 months old girl and is said to have put her in confinement and had physical relationship with her on many occasions.

3. Counsel for the applicant submits that the prosecutrix in the instant case has been examined before the trial Court and she has not supported the case of the prosecution and turned hostile. Thus, prayed for releasing

the applicant on bail.

4. State counsel, however, opposing the bail application submits that the prosecutrix in the instant case is a minor girl and considering the nature of allegation and the age of the prosecutrix, the applicant may not be released on bail.

5. Having considered the entire facts and circumstances of the case particularly considering the age of the prosecutrix and her statement that she has made before the Court below wherein she has not supported the case of the prosecution, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

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