

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 640 of 2018**

Rakesh Baiga S/o Late Harilal Baiga, aged about 21 years, R/o ward No.9, Paniha Dafai, North Jhagrakhand, Police Station Jhagrakhand, District Korea (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh, Through The S.H.O. Police Station Jhagrakhand, District Korea (C.G.).

---- Non-applicant

For Applicant	:	Shri Anil Gulati, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No.131/2015 registered at Police Station Jhagrakhand, District Korea (C.G.) for the offence punishable under Section 376 (2) (N) of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
2. The present applicant is in jail since 03.11.2015 in connection with the aforesaid Crime number.
3. The case against the present applicant as per prosecution is that, the present applicant is said to have ravished the prosecutrix, a minor girl knowing fully well that she was a minor.
4. The counsel for the applicant submits that, the present applicant has already remained in custody for a period of more than 2 ½ years. He further submits that, the prosecutrix in the instant case has already been examined before the Court below and that she has not

supported the case of prosecution and she has turned hostile and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, the prosecutrix is a minor and thus prayed for rejection of bail application.
6. Given the entire facts and circumstances of the case so also considering the period of custody undergone and also taking note of the fact that the prosecutrix has turned hostile this Court is of the opinion that, prima-facie a strong case for grant of bail has been made out.
7. 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 Court for his appearance before the said Court as and when directed.

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

Sumit