

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 745 of 2018**

Satyanarayan Paikra S/o Birbal Paikra Aged About 23 Years R/o Village Khumri, Police Station Rajpur, District Balrampur Ramanujganj, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station Lundra, District Surguja, Chhattisgarh.

**----Non-applicant**

|               |   |                                |
|---------------|---|--------------------------------|
| For Applicant | : | Mr. Arvind Sinha, Advocate     |
| For State     | : | Mr. Sangharsh Pandey, Dy. G.A. |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****26/03/2018**

1. This is a second bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 50/2016 registered at Police Station Lundra, District Surguja, Chhattisgarh for the offence punishable under Sections 363, 354, 120B, 366(A) of Indian Penal Code and Sections 7, 8 and 17 of Protection of Children from the Sexual Offences Act, 2012. The earlier bail application was rejected on 18.07.2017.
2. The present applicant is in jail since 20.12.2016 in connection with the aforesaid Crime number.
3. The allegation as per the prosecution case is that the present applicant and other accused person is said to have abducted the prosecutrix and kept her in their confinement and it was only after the father of the prosecutrix came in search of the victim when they could recover. On the date of incident, the victim was also a minor;

therefore the provision of POCSO Act was also leveled against the present applicants.

4. At this juncture the counsel for the applicant submits that the co-accused in the instant case has already released on bail and moreover the victim herself has subsequently been examined before the trial Court and who has not supported the case of the prosecution and has turned hostile.
5. This fact is not disputed by the State counsel and as the deposition of the victim is enclosed along with the bail application itself.
6. Given the facts and circumstances of the case particularly the fact that the victim herself has turned hostile, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. 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**