

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2007 of 2018**

Shashank Tandon son of Dharam Lal Tandon, aged about 20 years, resident of Quarter No. B-68, Pragatinagar Deepka, Police Station Deepka, Tahsil Katghora, District Korba (CG)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Deepka, District - Korba (CG)

---- Respondent

For Applicant	:	Shri Rahul Mishra, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/05/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 02.09.2017 in connection with Crime No. 92/2017 registered at Police Station- Deepka, District Korba (CG) for the offence punishable under Sections 363, 366, 376, 368 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. The allegation against the present applicant is that he knowingly fully well that the prosecutrix is a minor is said to have taken her to different places and kept her in confinement away from the natural guardianship of her parents and is also said to have maintained physical relationship with her.

3. Counsel for the applicant submits that the applicant himself is around 20 years of age and the prosecutrix is aged around 16 years and

that they were well known to each other and they were in love for a considerable period of time. In between, it is alleged that there was physical relationship between the two. Counsel for the applicant submits that the missing report of the prosecutrix was lodged on 15.07.2017 and the prosecutrix was recovered on 01.08.2017. Her statement under Section 161 CrPC was recorded on the very next day i.e. 2nd of August, 2017. However, in her 161 CrPC statement she has not made any allegation against the applicant of having physical relationship with her. Subsequently, the police authorities have coerced the prosecutrix to change her version and for the first time, by way of a supplementary statement, she has made all the allegations against the applicant. Thus, prayed for the applicant to be released on bail.

4. Given the facts and circumstances of the case, particularly taking into consideration the contents of the case diary so also the statement of the prosecutrix recorded under Section 161 CrPC, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

5. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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**