

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2558 of 2018**

Yashwant Kaurav S/o Surendra Kaurav, aged about 27 years,
resident of village – Timrouli, P.S. Kareli, District – Narsinghpur
(MP)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police
Station Dharsiwa, District Raipur (CG)

---- Respondent

For Applicant	:	Ms. Smita Jha, Advocate
For Respondent/State	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16/05/2018**

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 09.09.2017 in connection with Crime No. 127/2016 registered at Police Station- Dharsiwa, District Raipur (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act, 2012.

2. The allegation against the present applicant as per the prosecution is that knowing fully well that the prosecutrix is a minor, the applicant is said to have abducted/kidnapped the prosecutrix from her house and kept her in his confinement. During this time, he is said to have had physical relationship with the prosecutrix and in due course of time the prosecutrix conceived and gave birth to a child. The applicant was arrested on the missing report filed by the father of the prosecutrix.

3. Counsel for the applicant submits that the prosecutrix has now

been examined before the Court below and that she has not supported the case of the prosecution and turned hostile, therefore, there is no possibility of the applicant being convicted for the offence under which he has been charged.

4. The said averment is not disputed by the State counsel on perusal of the statement of the prosecutrix recorded before the Court below.

5. Having heard the contentions put forth on either side and considering the statement of the prosecutrix and the entire facts and circumstances of the case, 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 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