

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3686 of 2018**

Arjun Orya S/o Munna Orya, Aged About 23 Years, R/o- 64 Dafai
Ward No. 7, Korea Colliery, Police Station Chirmiri, District- Korea,
Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through- Station House Officer, Police of
Police Station- Patna, District- Korea, Chhattisgarh

---- Respondent

For Applicant	:	Shri P. K. Tulsyan on behalf of Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/08/2018**

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 19.02.2018 in connection with Crime No. 99/2017 registered at Police Station- Patna, District Korea (CG) for the offence punishable under Sections 363, 366, 376, 368 of IPC and Sections 6, 19, 21 of Protection of Children from Sexual Offences Act.

2. The allegation against the present applicant as per the prosecution is that the applicant and other accused persons are said to have abducted the prosecutrix and the present applicant is said to have ravished her.

3. Counsel for the applicant submits that the prosecutrix in the meanwhile has been examined before the trial Court and she has not

supported the case of the prosecution and turned hostile. In addition, counsel for the applicant refers to the order of this Court dated 04.05.2008 passed in MCRC No. 2362 of 2018 whereby this Court has already granted bail to two other co-accused persons.

4. This fact does not disputed by the State counsel on perusal of the evidence which has been produced on record.

5. Given the entire facts and circumstances of the case, particularly the fact that the prosecutrix has not supported the case of the prosecution and turned hostile, 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**