

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 4458 OF 2018

Rajesh Kumar Khatkar S/o Shri Samay Lal Aged About 19 Years R/o- Village Kohka, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh, Presently Residing At Mohan Colony, Haldibadi, Chirimiri, Police Station Chirimiri, District- Korea, Chhattisgarh.

... Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Jhagrakhand, District- Korea, Chhattisgarh.

... Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent-State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/07/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 01.11.2017 in connection with Crime No. 194 of 2017 registered at Police Station Jhagrakhand, Distt.Korea for the offence punishable under Section 376 (2)(N) and 506 IPC and under Section 6 of the POCSO Act.
2. As per prosecution case, the applicant knowing fully well that the prosecutrix was minor is said to have had sexual intercourse with he prosecutrix.
3. Learned Counsel for the applicant submits that during the course of trial the prosecutrix has been examined and she has not supported the case of the prosecution and have turned hostile. Therefore, the applicant be released on bail.
4. This submission is not disputed by the counsel for the State.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that the prosecutrix has turned hostile and have not supported the case of the prosecution, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. 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 for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge