

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4747 of 2018**

Sanjay Kumar S/o Dhar Bahadur Soni Aged About 28 Years R/o
 Village Katulboard, Durg, Police Station Durg, District Durg,
 Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
 Station Jamul, District Durg, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Shivraj Singh, Advocate.
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16.07.2018**

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 628/2016 registered at Police Station Jamul, District Durg (C.G) for the offences punishable under Sections 354, 384, 34 of IPC & sections 8, 11(4), 11(5), 12 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 28.11.2016, the prosecutrix who is a minor student had gone to return some amount to her classmate Akansh Tiwari where the present applicant who is a police constable along-with other accused raided and entered the house, thereafter made the girl to take out her clothes and took the photographs and also by blackmailing snatched the amount of Rs.1500/- from her.
3. Learned counsel for the applicant submits that subsequent to the earlier rejection of bail, the prosecutrix has been examined and she has not deposed anything against the

present applicant and the girl was found to be major and thereafter, the charges under the POCSO Act were altered by the Court below on 18.03.2018. It is contended that the statement of the prosecutrix do not support the case of prosecution and on those grounds similarly placed co-accused Sagar Kumar has been enlarged on bail by this Court in M.Cr.C.No. 1211/2018 on 19.06.2018, therefore, the case of the present applicant being akin to that of said co-accused he may be enlarged on bail.

4. Learned State Counsel do not dispute the fact that the co-accused Sagar has been enlarged on bail by this Court.
5. Considering the fact that the prosecutrix has not supported the case of prosecution and similarly placed co-accused has been enlarged on bail by this Court as the charges under the POCSO Act were diluted, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**