

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 6587 OF 2018**

Jaikey Rajak, S/o Sahdev Rajak, aged about 22 years, R/o Thaggaon, Police Station Khadgawan (wrongly mentioned as Khadgaon), District Korea (CG)

... Applicant**versus**

State of Chhattisgarh, through : the State House Officer, Police Station-Sitapur, District Surguja (CG)

... Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent	:	Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/09/2018**

1. The present is a repeat application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 17.8.2017 in connection with Crime No. 156/2017 registered at Police Station- Sitapur, District Surguja, for the offence punishable under Sections 363, 366, 376(2)(ढ), 376(घ) of IPC and Section 5ढ/6, 6ढ/6 of the POCSO Act.
2. The earlier bail application stood dismissed as withdrawn with liberty to revive the same after the prosecutrix is examined, vide order dated 7.4.2018 passed in M.Cr.C. No. 560/2018.
3. Learned Counsel for the Applicant submits that subsequent to the dismissal of the earlier bail application, the Prosecutrix has been examined before the Court below on 18.7.2018 and during the course of evidence she has turned hostile and has not fully supported the case of the prosecution and thus the Applicant deserves to be released on bail. The Counsel further submits that the co-accused Mubarak Khan against whom also similar allegations have been levelled, has been granted bail by this Court on 3.8.2018 in M.Cr.C. No. 5596/2018 and on this ground also the Applicant prays for grant of bail on parity basis.

4. Learned Counsel for the State however opposing the bail application submits that though the Prosecutrix has turned hostile but in her cross-examination she has taken a stand of the Applicant to have been involved in the act and having committed the offence against the Prosecutrix and therefore the Applicant does not deserve to get bail.

5. Having heard the contentions put forth on either side and considering the entire facts and circumstances of the case, particularly taking note of the fact that the co-accused Mubarak Khan has already been granted bail by this Court under similar charges and the grant of bail to the said Mubarak Khan was also on the ground that the Prosecutrix has not supported the case of the prosecution and has turned hostile, in the instant case also, so far as the Applicant is concerned in her cross-examination in paragraph 7 of her deposition the Prosecutrix has categorically stated of the Applicant did not commit any act with her.

6. Given the aforesaid facts and circumstances of the case and the deposition of the Prosecutrix, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed by the Trial Court.

Sd/-
(P. Sam Koshy)
Judge