

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 7227 OF 2018**

Mukesh Kumar Nag alias Mohanlal Nag, S/o Banshilal Nag, aged 22 years, R/o Badekanera Pawanguda Para, Police Station Kondagaon, District Kondagaon (CG)

... Applicant**versus**

State of Chhattisgarh, through Police Outpost- Maakdi, District Kondagaon (CG)

... Respondent

For Applicant	:	Mr. Rajendra Patel, Advocate.
For Respondent	:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/09/2018**

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 23.4.2017 in connection with Crime No. 23/2017 registered at Police Station/Outpost - Maakdi, District Kondagaon, for the offence punishable under Sections 363, 376 of the Indian Penal Code as well as for the offence under Section 6 of the Prevention of Children from Sexual Offences Act.
2. The earlier bail application stood dismissed as withdrawn with liberty to revive the same after the prosecutrix is examined, vide order dated 2.1.2018 passed in M.Cr.C. No. 6328/2017.
3. Learned Counsel for the Applicant submits that the prosecutrix has since been examined before the Court below. However, there are material contradictions in the statement and the reading of the entire material would reveal that the prosecutrix was a consenting party to the entire episode.
4. Learned State Counsel however opposing the petition submits that it is a case where the prosecutrix is a minor and that it is not a case that the prosecutrix has turned hostile or has not supported the case of the prosecution. According to the State Counsel, the version made by the

prosecutrix would reveal that she has been constant in her statement when compared to her statement available in the case diary.

5. Given the aforesaid facts and circumstances of the case and taking note of the fact that the prosecutrix has not turned hostile, this Court is of the opinion that rest of the contentions which the applicant has raised in the bail application are matter which would have to be scrutinized by the Trial Court in the course of deciding the matter finally.

6. Given the said facts, this Court is not inclined to grant bail to the applicant.

7. Accordingly, the application for grant of bail is rejected. The Trial Court however is directed to ensure that the trial is concluded at the earliest.

Sd/-
(P. Sam Koshy)
Judge