

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7939 OF 2018

Dilip @ Golu Thakur, aged about 21 years, S/o Gannu Thakur R/o Kailash Nagar, Titurdih, in front of Canal Durg, District Durg (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Mohan Nagar, District Durg (CG).

... Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/10/2018

1. This is first bail application seeking grant of bail to the Applicant who is in jail since 06.11.2017 in connection with Crime No.460 of 2017 registered at Police Station Mohan Nagar, Durg, for the offence punishable under Sections 363,366 and 376 IPC and Sections 5(Tha) and 6 of the POCSO Act.
2. The allegation against the applicant as per prosecution is that the applicant knowing fully well that the prosecutrix was a minor is said to have abducted her from her house and taken her to different places and is said to have ravished her.
3. Learned Counsel for the applicant submits that the prosecutrix in between has been examined before the court below where she has not supported the case of the prosecution and completely turned hostile and under such circumstances there is no possibility of the applicant being convicted and further the applicant has already

undergone custody of one year and therefore he may be released on bail.

4. The State counsel does not dispute the fact that the prosecutrix has turned hostile and not supported the case of the prosecution, however opposes the bail application on the ground that the prosecutrix was a minor.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the statement of the prosecutrix examining during the course of trial and also considering the period of custody undergone by him, 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