

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7958 of 2018**

Sant Kumar @ Sanat Kumar S/o Bandhura Aged About 22 Years
R/o Village Belkudri, P. S. Chalgali, District Balrampur-Ramanujganj
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Chalgali, District Balrampur-
Ramanujganj Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Pushkar Sinha, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30/10/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 16/2018 registered at Police Station Chalgali, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(n) of Indian Penal Code and 5(1), 6 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 11.05.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant knowing fully well that the prosecutrix is a minor abducted her from the custody of the guardian and is said to have taken her to different place and also committed sexual intercourse with her.
4. The counsel for the applicant submits that the prosecutrix in due course of time has already been examined before the Court and she

has not supported the case of the prosecution and has totally turned hostile and there is hardly any chance of the present applicant being convicted with the said set of evidence.

5. The State counsel opposing the bail application submits that the prosecutrix was a minor at the time of the offence and therefore the applicant at this juncture does not deserve for bail.
6. Taking into consideration the facts and circumstances of the case, particularly the evidence of the prosecutrix and the fact that she has not supported the case of the prosecution and has turned completely hostile, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge