

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8196 of 2018**

Jogeshwar Singh S/o Ram Prasada Aged About 27 Years R/o Kamakhera, District- Sitdega (Jharkhand), Presently residing at Chunkatta, Tahsil- Patan, District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Chowki Machandur (Utai) Tahsil And District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Dashrath Kushwaha, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/11/2018**

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. 402/2015 registered at Police Station Utai, District Durg, Chhattisgarh for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and under Section 5(२), 6 of the Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 10.08.2017 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 was a minor, is said to have abducted her and have taken her to different places and in between is said to have had a physical relationship.
4. The counsel for the applicant submits that the prosecutrix in between has been examined before the Court below and during the course of

the evidence, she has not supported the case of the prosecution and has completely turned hostile and as such there is hardly any chance of the applicant getting convicted with the said evidence and thus prayed for the applicant to be released on bail.

5. The State counsel however opposing the bail application submits that on the date of incident i.e. in the month of November, 2015, the prosecutrix was a minor and even if it is a case of a minor granting consent at that point of time, it is of no consequence as she was a minor and the applicant does not deserve to be released on bail.
6. Having heard the contentions put forth on either side and on perusal of the record, particularly taking into consideration the statement of the prosecutrix, who has not supported the prosecution and also considering the period of custody undergone, this Court is of the opinion that prima facie a fit case is 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