
(2018) 07 CHH CK 0322

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 5271 Of 2018

Sanju @ Bhim @ Shankar Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 26-07-2018

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 376
Code Of Criminal Procedure, 1973 — Section 439
Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2018) 07 CHH CK 0322

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Dharmesh Shrivastava, Ashutosh Pandey

Final Decision : Allowed

Judgement

P. Sam Koshy, J

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 24.1.2018 in connection with Crime No. 150/2016 registered at Police Station- Torwa, District- Bilaspur, for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of the POCSO Act.
2. The earlier bail application stood dismissed as withdrawn on 25.5.2018 in M.Cr.C. No. 2880/2018.
3. Learned Counsel for the Applicant submits that the Prosecutrix in the instant case has since been examined before the Trial Court and she turned hostile and has not supported the case of the prosecution and the present Applicant even otherwise is in jail since 24.1.2018 and therefore the Applicant may be released on bail.
4. Contention put forth by the learned Counsel for the Applicant is not disputed by the learned Counsel for the State on verifying the deposition of the prosecutrix.

5. Considering the fact that the Prosecutrix herself has turned hostile and has not supported the case of the prosecution, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. 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.