
(2018) 06 CHH CK 0053

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4020 Of 2018

Shivnandan

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: June 18, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 201, 326, 342, 376, 450
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Parag Kotecha, Ashutosh Pandey

Final Decision: Allowed

Judgement

P. Sam Koshy, J

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.219/2017 registered at Police Station

Jhagrakhand, District Koriya (C.G.) for the offence punishable under Sections 326, 376, 201, 342 & 450 of IPC

2. This is a repeat bail application.

3. The earlier bail application stood rejected by this Court on 16/04/2018.

4. The counsel for the applicant submits that the prosecutrix in the instant case has been examined before the Court below as PW-1 and she has not supported the case of prosecution and has turned hostile.

5. This fact is not opposed by the State counsel on perusal of record and documents enclosed along with the bail application.

6. Considering the facts and circumstances of the case particularly taking note of the fact that the prosecutrix herself has not supported the case of prosecution and has turned hostile this Court is of the opinion that a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.