

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 223 of 2016**

Radheshyam Tiwari S/o Ramchand Tiwari Aged About 42 Years
R/o Village Nareshpur, Police Station & Tahsil Surajpur, District
Surajpur, Civil And Rev. Distt. Surajpur Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Station House Officer, Police
Station Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant:

Mr. A.K. Prasad, Advocate

For State:

Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15.01.2016**

1. This is second bail application filed under Section 439 of Cr.P.C. for grant of bail to the Applicant who is in jail since 15.07.2014 in connection with Crime No. 190/2014 registered at Police Station – Surajpur, District Surajpur (C.G.) for the offence punishable under Section 395 of I.P.C.

2. The first bail application was dismissed as withdrawn on 17.09.2014 with liberty to revive the same after material witnesses are examined.

3. The present bail application has been filed on the ground that now all the material witnesses have been examined. Most of the witnesses examined have turned hostile and not supported the case of the prosecution and there is no possibility with which the present Applicant could be convicted for the said offence. He may therefore be released on bail.

4. Learned State Counsel after due verification of the facts and deposition made by the prosecution witnesses available on record admits the fact that prosecution witnesses are not supporting the case.

5. Considering the total facts and circumstances of the case this Court is of the opinion that present is a fit case for grant of bail to the Applicant.

6. Accordingly, the present bail application is allowed. It is directed that in case if the Applicant furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned trial Court, then he shall be released on bail. The Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
JUDGE