

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7461 of 2016**

1. Takeshwar Sahu S/o Jivrakhan Lal Sahu, Aged About 25 Years,
 2. Kamdeo S/o Shri Iya Ram Sahu, Aged About 24 Years,
- Both are R/o Village Bharuwadih, Police Chowki, Gidpuri, Police Station & Tahsil : Palari, District Baloda Bazar - Bhatapara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : Station House Officer, Police Chowki : Gidhpuri, Police Station : Palari, District : Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

For applicants - Shri C.R. Sahu, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****28/11/2016**

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 9/08/2016 vide M.Cr.C. No.4407/2016.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.191/2016 registered in Police Chowki Gidhpuri, Police Station Palari, District Baloda Bazar-Bhatapara (C.G.) for offence punishable under section 376(D) of Indian Penal Code.
3. As per the prosecution case, a report was made on 19/05/2016 by the prosecutrix alleging that both the applicants have extended threat to her that they will kill her husband and has committed sexual intercourse.
4. Learned counsel for the applicants submits that the prosecutrix in this case has been examined and she has not supported the case of the prosecution and the applicants have been falsely implicated in the case, therefore the applicants may be released on bail.

5. Learned State counsel is not able to dispute the fact that the prosecutrix has turned hostile.

6. Perused the statement of the prosecutrix. Prima facie it appears that she has not supported the case of the prosecution. Taking into such fact, without further observation on the merits, this court is inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE