

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 7423 of 2017**

1. Ashok Chandrakar S/o Shri Sampat Chandrakar, Aged About 43 Years
2. Santosh Chandrakar, S/o Shri Sampat Chandrakar, Aged About 46 Years
3. Suresh Chandrakar, S/o Shri Mohan Chandrakar, Aged About 31 Years

All are R/o Village Nawagaon, Musau, P.S. Kunda, District Kabirdham, Chhattisgarh.

**---- Applicants****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kunda, District Kabirdham, Chhattisgarh.

**----Non-applicant**

|                |   |                               |
|----------------|---|-------------------------------|
| For Applicants | : | Ms. Indira Tripathi, Advocate |
| For State      | : | Mr. Gary Mukhopadhyay, G.A.   |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****15/12/2017**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 46/2016 registered at Police Station Kunda, District Kabirdham, Chhattisgarh for the offence punishable under Sections 376D, 506 & 456 of Indian Penal Code.
2. The present applicants are in jail since 06.11.2017 in connection with the aforesaid Crime number.
3. The as per the case of prosecution the present applicants are said to have entered into the house of the prosecutrix on 20.03.2016 and they are said to have committed rape with the prosecutrix. The F.I.R. was lodged on 21.03.2016.

4. The counsel for the applicant at this juncture submits that the prosecutrix in the instant case has now been examined before the Court below and she has not supported the case of the prosecution and has turned hostile and thus prayed for the applicant to be released on bail.
5. The State counsel opposes the bail application referring to the nature of the offence and he submits that the bail application does not deserves to be allowed.
6. Having heard the contentions put forth and also taking note of the statement of the prosecutrix, where she has not supported the case of the prosecution and has turned hostile, this Court is of the opinion that prima facie a fit case has been 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**