

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6102 of 2017**

Smt. Rupali Mistri W/o Shri Sanjeev Mistri, Aged About 30 Years R/o Goverdhan Nagar, Khamtarai, Behind Ganga Talab, Police Station Khamtarai, Raipur, Tahsil & District Raipur, Chhattisgarh At Present R/o Rupal Family Salon, R 07, Sector 02, Avanti Vihar, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vimlesh Bajpai, Advocate.
For the Respondent/State	:	Shri Arvind Kumar Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.11.2017**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.105 of 2017, registered at Police Station – Telibandha, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 3, 4 and 5 of the illicit Trafficking (Prevention) Act, 1956.

2. Learned counsel for the applicant submits that the applicant is in jail since 15.03.2017 and the applicant has been falsely implicated in this case. She has a child of four years and there is nobody to look after him. After filing of charge-sheet, trial has commenced and the main witnesses have

been examined who turned hostile and not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the previous application filed by the applicant before this Court in M.Cr.C. No.3819 of 2017 was decided on merits on 20.6.2017 and her application was dismissed. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the submissions made and the contents of the case diary specifically the change of circumstance is only that after commencing of the trial the main witnesses of the case have turned hostile and not supported the case of the prosecution and the remaining witnesses to be examined in the case are relating to investigation and other investigative procedure., and taking into consideration this development in the trial against the applicant, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi