

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 237 of 2018**

Rajesh Nishad S/o Shankar Nishad, aged about 19 years, R/o village Gudaghat, Police Station Bhatapara (Gramin), District (Revenue and Civil) Balodabazar - Bhatapara (CG)

---- Applicant**Versus**

State of Chhattisgarh through Police Station - Bhatapara (Gramin), District (Revenue and Civil) Balodabazar - Bhatapara (CG)

---- Respondent

For Applicant	:	Shri Sanjeev Das, Advocate
For Respondent/State	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/03/2018**

This is the repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 21.02.2017 in connection with Crime No. 65/2017 registered at Police Station Bhatapara (Gramin), District (Civil & Revenue) Balodabazar-Bhatapara (CG) for the offence punishable under Sections 376 & 506 of IPC.

2. The present application has been filed after the prosecutrix has been examined before the trial Court.
3. Counsel for the applicant submits that the prosecutrix now having been examined before the trial Court has not supported the case of the prosecution and has turned hostile. He further submits that the applicant is in jail since 21.02.2017 i.e. he has already remained in jail for more than one year. Thus, prayed for grant of bail to the applicant.
4. State counsel, however, opposing the bail application submits that the nature of allegation seems to be very serious and the bail application

having already been rejected once, the present bail application also deserves to be rejected.

5. Taking into consideration the deposition of the prosecutrix recorded subsequent to the rejection of the earlier bail application and also considering the period of custody already undergone by the applicant and the age of the prosecutrix as well as the applicant, this Court is of the opinion that a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**