

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1294 of 2018**

Nilesh @ Sanjay S/o Sundar Lal Patel Aged About 19 Years R/o.- Village Boerdih, Police Station- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S. Sakti, Civil And Revenue District- Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.M. Roy, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.04.2018**

Heard.

1. This is the first 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.324 of 2017, registered at Police Station Sakti, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.10.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The prosecutrix has been examined before the trial Court and she has 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.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant committed rape with the prosecutrix on the date of incident. Hence, the FIR was lodged by her against the applicant.
6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the prosecutrix. According to the statement before the concerned Court during the trial, she has turned hostile and has not supported the case of the prosecution. Hence, looking to the development and change in the circumstances, I feel inclined to grant regular bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge