

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1677 of 2018

Ghanshyam @ Harichand Nishad S/o Tiharuram Nishad Aged
About 31 Years By Caste- Kenwat, R/o- Village- Kitgaon, P.S.-
Vishrampur, District- Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police
Station- Kanker, District- Kanker, Chhattisgarh.

---- Respondent

For applicant - Smt. Indira Tripathi, Advocate.
For Respondent/State – Smt. Madhunisha Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/05/2018

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.259/2017 registered in Police Station Kanker, Distt. Kanker (C.G.) for offence punishable under section 376 of IPC.
2. As per the prosecution case, the applicant committed sexual intercourse with the sister-in-law after death of the sister on the pretext of marriage.
3. Learned counsel for the applicant submits that the prosecutrix now has been examined, she has not supported the case of the prosecution and affidavit has been sworn wherein she has stated that she do not want any further prosecution and she was in relation with the applicant with her own will, therefore the applicant may be released on bail.
4. Learned State counsel was directed to verify the affidavit filed by the prosecutrix. Learned State counsel submits that the affidavit has been affirmed.
5. Considering the fact that prosecutrix has turned hostile, without any

further observation on the merit, this court is inclined to release the applicant on bail.

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

Sd/-

(Goutam Bhaduri)

JUDGE