

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1935 of 2018**

1. Surya Prakash @ Sone S/o Shiv Kumar Chandraker Aged About 25 Years
  2. Satya Prakash @ Sonu S/o Shiv Kumar Chandraker Aged About 27 Years
  3. Lilva @ Lila Ram Chandraker S/o Satruhan Chandraker Aged About 37 Years
  4. Vikash Chandraker @ Monu S/o Shiv Kumar Chandraker Aged About 21 Years
  5. Shiv Kumar Chandraker S/o Bahorik Chandraker Aged About 49 Years
- All are R/o- Ghorpendri, Dehanpara, Police Station Pandatarai, Tahsil And District- Kabirdham, Chhattisgarh.

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

State Of Chhattisgarh Through- The Police Station Pandatarai, District- Kabirdham, Chhattisgarh.

**----Non-applicant**

|                |   |                              |
|----------------|---|------------------------------|
| For Applicants | : | Mr. Ritesh Verma, Advocate   |
| For State      | : | Mr. Lav Sharma, Panel Lawyer |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****09//05/2018**

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. 92/2017 registered at Police Station Pandatarai, District Kabirdham, Chhattisgarh for the offence punishable under Sections 354, 147, 148, 149, 294, 323, 506, 307, 302 of Indian Penal Code.
2. All the applicants before this Court are in jail since 14.10.2017, 22.10.2017, 23.10.2017, 03.11.2017 and 25.11.2017 respectively in connection with the aforesaid Crime number.
3. The allegation against the present applicants as per the case of prosecution is that the present applicants is said to have entered the

house of the complainant and have assaulted the complainant and also outrage the modesty of victim, who has been examined as PW/2 before the trial Court.

4. The counsel for the applicants at this juncture submits that all the material witnesses including the complainant and the victim have all been examined before the trial Court and they have not supported the case of the prosecution, rather have turned hostile and therefore there is very remote chance of the present applicants being convicted from the said set of evidence and prayed for the applicants to be released on bail.
5. The contention of the counsel for the applicants is not disputed by the State counsel on verification of the depositions of each of the witnesses.
6. Taking into consideration the submissions made by the counsel on either side and also considering the fact that all the material witnesses including the complainant and the victim having not supported the case of the prosecution, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicants. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court for their appearance before the said Court as and when directed.

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