

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2242 of 2018**

- Netam Banjare S/o Late Dashrath Banjare Aged About 26 Years R/o- Village Kharsola P.S.- Pathariya, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station Pathariya, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Amit Kumar, Advocate.
For Non-Applicant/State	:	Shri B. Gopa Kumar, Deputy Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28.03.2018**

1. The present is a repeat bail application filed by the Applicant who is in jail since 05.09.2017 in connection with Crime No.444/2017, registered at Police Station – Pathariya, District – Mungeli, for the offence punishable under Sections 376, 34 of IPC.
2. The earlier bail application namely M.Cr.C. No. 7159 of 2017 has been dismissed as withdrawn on 19.01.2018 with liberty to revive the same after the Prosecutrix is examined.
3. The learned counsel for the Applicant submits that now the Prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution and has turned hostile. Nothing remains in the trial and therefore, the Applicant may be released on bail.
4. The aforesaid fact appears to be true on perusal of the deposition of the prosecutrix which has been filed along with the bail application. Considering the fact that the Prosecutrix has turned hostile and has not

supported the prosecution case, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

5. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surely of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE