

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MISC. CRIMINAL CASE NO. 2447 OF 2018**

Sonu Nirmalkar S/o Dukalu Nirmalkar, aged about 19 years, R/o behind Shivam Mall, Harnabandha, Durg (CG).

**... Applicant**

**Versus**

State of Chhattisgarh, through the District Magistrate, Durg (CG).

**... Respondent**

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|----------------------|---|------------------------------------|
| For Applicant        | : | Shri Avinash Chand Sahu, Advocate. |
| For Respondent-State | : | Ms. Sunita Jain, Panel Lawyer.     |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**05/04/2018**

1. This is second bail application seeking grant of bail to the Applicant who is in jail since 06.08.2017 in connection with Crime No. 322 of 2017 registered at Police Station Mohan Nagar, District Durg, for the offence punishable under Sections 392,394 and 427/34 IPC. The earlier bail application was dismissed as withdrawn on 30.11.2017 with liberty to revive after material prosecution witnesses are examined.
2. Learned Counsel for the applicant submits that now the complainant himself has been examined before the trial court and he has not supported the case of the prosecution and has turned hostile, and therefore nothing further remains with which the applicant could be convicted and prayed that the present applicant may be granted bail.
3. The State counsel does not dispute the fact the complainant has not supported the case of the prosecution and has turned hostile.
4. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that the complainant himself has not supported the case of the

prosecution and has turned hostile, 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 surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

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