

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2672 of 2018

- Thaneshwar Verma S/o Pardesh Ram Verma Aged About 32 Years R/o- Village- Ahilda, Police Station- Kasdol, District- Balodabazar- Bhatapara, Chhattisgarh.,

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Kamlesh Kumar Pandey, Advocate.
For Respondent/State	:	Shri Arun Sao, Dy. A.G.

Order On Board By Hon'ble Shri P. Sam Koshy, J

25/05/2018

This is the third bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 28.1.2017 in connection with Crime No.11/2017 registered at Police Station – New Rajendra Nagar, Raipur, Distt. Raipur, for the offence punishable under Sections 363, 366, 376(2)(m) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. Earlier bail application was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix and other material witnesses. After evidence of the prosecutrix, the repeat bail application has now been filed.

3. Counsel for the applicant submits that in the Court below the prosecutrix has not deposed anything against the present applicant and has turned hostile and in the process, there is no possibility of applicant being convicted. It is, therefore, prayed that the applicant may be released on bail.

4. So far as statement of the prosecutrix is concerned, the State counsel fairly admits that she has not supported the prosecution case and has turned hostile.

5. Given the facts and circumstances of the case, particularly taking note of evidence of the prosecutrix, this Court is of the opinion that prima faice, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present applicant will 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 before the said Court as and when directed.

Sd/

(P. Sam Koshy)

Vacation Judge