

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3295 of 2018**

Basant Kumar Miri S/o Sushil Kumar Miri, aged about 32 years, R/o village Lacchanpur, O.P. Karhibazar, PS Baloda Bazar, District Baloda Bazar (CG)

---- Applicant**Versus**

State of Chhattisgarh through Police Station – O.P Karhibazar (wrongly mentioned as PS Karhibazar), PS Baloda Bazar, District Baloda Bazar (CG)

---- Respondent

For Applicant	:	Shri Adil Minhaj, Advocate
For Respondent/State	:	Shri Lav Sharma P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/05/2018**

This is the repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 08.11.2017 in connection with Crime No. 496/2017 registered at O.P. Karhibazar, P.S. Baloda Bazar, District Baloda Bazar (CG) for the offence punishable under Sections 376, 451 & 342 of IPC.

2. The earlier bail application was rejected on 19.03.2018 in MCRC No. 639/2018. The repeat bail application has been filed subsequent to the material witnesses including the prosecutrix having been examined before the trial Court.

3. Counsel for the applicant submits that from perusal of the deposition of prosecutrix as well as other witnesses it reveals that there was some sort of consensual relationship between the two. He submits that the statement of the father of the prosecutrix PW-5 would also reveal that the incident had

got reported only on account of the fact that when he came to his house, saw the applicant hiding in the house and on seeing him, the applicant ran away from the rear portion of the house. He further submits that there is no dispute as regards the prosecutrix being a major on the date of incident. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that it is a case where the prosecutrix so also her father have supported the case of the prosecution and have substantially proved the case, therefore, the bail application should be rejected.

5. Having heard the contentions put forth on either and on perusal of the record, particularly taking note of the deposition of the prosecutrix and her father, this Court is of the opinion that prima facie, 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)
JUDGE**