

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3756 of 2018**

Dinesh Yadav S/o Dileshwar Yadav, aged about 21 years, R/o village Mudapara, Tahsil Pathalgaon, District Jashpur (CG)

---- Applicant**Versus**

State of Chhattisgarh Through- SHO Police Station Kapu, District Raigarh (CG)

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/08/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 25.11.2017 in connection with Crime No. 83/2017 registered at Police Station- Kapu, District Raigarh (CG) for the offence punishable under Section 363, 366, 376 of IPC and Sections 4 & 6 of the POCSO Act.

2. Counsel for the applicant submits that the prosecutrix meanwhile has been examined on 14.08.2018 before the trial Court where she has not supported the case of the prosecution and completely turned hostile. Therefore, there is no possibility of conviction of the applicant and prays for grant of bail to the applicant.

3. This aspect that the prosecutrix has turned hostile does not disputed by the State counsel on going through the deposition of the prosecutrix.

4. Given the facts and circumstances of the case, particularly taking note of the fact that the prosecutrix has not supported the case of the prosecution and turned hostile, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

5. 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**