

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3763 of 2018**

Vijay Kumar Sahu, S/o. Bhukhan Lal Sahu, Aged About 22 Years, R/o.- Dhaneli, Police Station- Bhatapara (Gramin), District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Bhatapara (Gramin), District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. D.C. Verma, Advocate
For State/respondent	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/07/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.381/2017, registered at Police Station – Bhatapara (Gramin), District – Balodabazar – Bhatapara (C.G.), for the offence punishable under Section 376, 506, 34 of the Indian Penal Code and Section 3 (1) (xii) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. The first bail application was dismissed on merits vide order dated 13.02.2018 in M.Cr.C. No.7714/2017.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 16.11.2017. Now the circumstances have changed as the prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution and she has not

made any adverse statement against the applicant. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Perused the certified copy of the deposition of the prosecutrix and another witness, both of them have not supported the case of the prosecution because of which they have been declared hostile. Hence, under this circumstances, the change of circumstances appears to be obvious because of which, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall 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 as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge