

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4552 of 2018**

Devendramani Rajwade S/o Shri Babulal Rajwade, aged about 35 years, R/o- Village Katghodi, Police Station- Sonhat, District- Koriya, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through - the Station House Officer, Police Station- Baikunthpur, District- Koriya, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Rabiya Khan, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/06/2018**

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 28.12.2017 in connection with Crime No. 340/2017 registered at Police Station- Baikunthpur, District Koriya (CG) for the offence punishable under Sections 354, 354(A) & 509 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.

2. The earlier bail application was dismissed as withdrawn on 06.04.2018.

3. Counsel for the applicant submits that the prosecutrix and the material witnesses have been examined before the Court below and therefore, they are repeating the bail application. He submits that a plain reading of the deposition of the witnesses examined itself would

reveal that they have not supported the case of the prosecution and that there is much omission and contradiction in the statement of the witnesses. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposes the bail application on the ground that the statement of the prosecutrix recorded during the course of investigation under Sections 161 & 164 CrPC would reveal the offence committed by the applicant. Thus, prayed for the rejection of the bail application.

5. Having heard the contentions put forth on either side and on perusal of the record, particularly the deposition of the witnesses examined and also taking note of the period of custody already undergone by the applicant, 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**