

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5136 of 2018**

- Shahrukh Khan S/o Rasid Khan Aged About 21 Years R/o Raja Talab Post Office Raipur Police Station Civil Line, Civil And Revenue District Raipur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station Civil Line, Civil And Revenue District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri GM Hasan, Advocate
For Respondent/State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****30/07/2018**

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 6-4-2016 in connection with Crime No. 206 of 2016, registered at Police Station Civil Line, Civil and Revenue District Raipur (CG) for the offence punishable under Sections 376, 506/34 of the IPC.
2. The first bail application was dismissed as withdrawn on 15.02.2017 vide M.Cr.C. No.751/2017 and the second bail application was dismissed on merits on 22.06.2017 vide M.Cr.C. No.3870/2017.
3. Learned counsel for the applicant submits that the prosecutrix has been examined in this case and she has not supported the case of the prosecution and has turned hostile and on that basis the bail application of Lekhu Bangde has been allowed by this Court on 06.12.2016 vide M.Cr.C.

No.7408/2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix who is examined as PW-1. It appears that the prosecutrix has not supported the case of the prosecution, considering the same without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

SD/-

Goutam Bhaduri
Judge

Ashu