

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 5271 OF 2018**

Sanju @ Bhim @ Shankar Yadav, S/o Ramkumar Yadav, aged about 30 years, R/o Lalkhadan, Patiyapara, Police Station- Torwa, District Bilaspur (CG), present address Village- Khurdur, Police Station- Kota, District Bilaspur (CG)

... Applicant**versus**

State of Chhattisgarh, through State House Officer, Police Station- Torwa, District Bilaspur (CG)

... Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate.
For Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/07/2018**

1. The present is a repeat application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 24.1.2018 in connection with Crime No. 150/2016 registered at Police Station- Torwa, District- Bilaspur, for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of the POCSO Act.
2. The earlier bail application stood dismissed as withdrawn on 25.5.2018 in M.Cr.C. No. 2880/2018.
3. Learned Counsel for the Applicant submits that the Prosecutrix in the instant case has since been examined before the Trial Court and she turned hostile and has not supported the case of the prosecution and the present Applicant even otherwise is in jail since 24.1.2018 and therefore the Applicant may be released on bail.
4. Contention put forth by the learned Counsel for the Applicant is not disputed by the earned Counsel for the State on verifying the deposition of the prosecutrix.

5. Considering the fact that the Prosecutrix herself has turned hostile and has not supported the case of the prosecution, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed by the Trial Court.

Sd/-
(P. Sam Koshy)
Judge

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