

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5950 of 2018

- Manharan Nishad S/o Shri Kashiram Nishad Aged About 23 Years R/o- Village Beltukri P.S. Bilha, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Bilha, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate.
For Respondent/State	: Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/10/2018

1. The applicant has preferred this Second Bail Application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 121/2017 (crime no. 1105/2017 wrongly mentioned in the impugned order dated 01.03.2018 passed in M.Cr.C. No. 8162/2017), registered at Police Station Bilha, District Bilaspur (C.G.) for the offence punishable under Section 450, 376 & 506 of the IPC Act.
2. First bail was dismissed on merits vide order dated 01-03-2018 passed in M.Cr.C. No. 8162/2017.
3. As per prosecution story, on 12.04.2017 at about 8 AM, prosecutrix was alone at her home allegedly applicant entered in her house and committed forcefully sexual-intercourse with her, report was made by the prosecutrix and on the basis of said report offence has been registered and the applicant and he has been arrested on 10.08.2017.
4. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present

case. He further submits that charge-sheet has been filed and during trial, prosecutrix and her sister namely Durga were examined as (PW-8) and (PW-4) before the Trial Court and they have not supported the case of the prosecution and turned hostile, therefore, looking to the above changed circumstances, applicant may be released on bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the prosecutrix (PW-8) and her sister Durga (PW-4) have not supported the case of the prosecution and turned hostile, applicant is in custody since 10.08.2018, charge-sheet has been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge