

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7976 of 2018

Pradeep Mandle S/o Babulal Mandle, aged about 21 years, R/o Suhela, Thana Suhela, District Baloda Bazar (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The S.H.O., Police Station Suhela, District Baloda Bazar (C.G.).

---Respondent

For applicant : Shri Samir Singh, Advocate.
For resp./State : Shri Dheeraj Wankhede, GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/10/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.63/2018 registered at Police Station Suhela, District Baloda Bazar (C.G.) for the offence punishable under Sections 363, 366A, 342, 376/34 of IPC and u/s 4 of POCSO Act, 2012.
2. Present applicant is in jail since 05/03/2018.
3. Present is a repeat bail application.
4. The earlier bail application stood dismissed as withdrawn with liberty to revive the same after the prosecutrix is examined.
5. The present bail application has been filed after the prosecutrix has been examined and the counsel for the applicant submits that she has not supported the case of prosecution in as much as she has turned totally

hostile and have not made any allegation against the present applicant so as to establish the offence for which the applicant has been charged and thus prayed for releasing the applicant on bail.

6. This aspect is not controverted by the State counsel on going through the deposition of the prosecutrix.

7. In the given facts, particularly taking note of the fact that the prosecutrix has not supported the case of the prosecution and has turned hostile so also, further considering the period of custody undergone by the present applicant, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE