NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 9716 of 2018

Gangaram Kaser S/o Silikram Kaser, aged about 23 years, R/o village Lodhi, PS Basantpur, District Balrampur, Chhattisgarh.

---Applicant

Versus

State of Chhattisgarh, Through – The S.H.O. PS Jainagar, District Surguja (wrongly mentioned in first bail rejection order District Surguja the correct District is Surajpur (C.G.)).

---Respondent

For applicant : Shri Jitendra Shrivastava, Advocate.
For resp./State : Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/12/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.88/2018 registered at Police Station Jainagar, District Surajpur (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 4 & 6 of POSCO Act.

2. Present applicant is in jail since 06/07/2018.

3. Present is a repeat bail application.

4. The earlier bail application stood dismissed as withdrawn on 06/07/2018 in MCRC No. 4448/2018 with liberty to revive the same after prosecutrix is examined.

5. The instant bail application has been filed after the prosecutrix is examined as PW-5 before the Trial Court. The evidence was recorded on

28/11/2018. A copy of the deposition of the prosecutrix has been enclosed along with the bail application.

6. Perusal of the contents of deposition would reveal that the prosecutrix infact has not supported the case of the prosecution and has turned hostile.

7. Given the said facts and circumstances of the case and also considering the age of the applicant and the period of custody undergone, 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.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit