

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1078 of 2019**

Ganesh Giri, S/o. Sundar Giri, Aged About 24 Years, R/o. Village Maheshpur, Bazarpara, P.S. Sitapur, P.S. District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Sitapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent : Mr. R.K. Bhagat, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.02.2019

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.189/2017 registered at Police Station- Sitapur, District Surguja (C.G.) for the offence punishable under Sections 376 of I.P.C. and Section 3(2)(5) of S.C. S.T. (Prevention of Atrocities) Act, 1989.
2. The first bail application bearing M.Cr.C. No.360 of 2018 was dismissed on 28.03.2018.
3. Case of the prosecution, in brief, is that a report was made by the victim on 28.09.2017 that on 02.09.2017 while she was going to village named Nakna and was with her children, the applicant allured to give lift to the village, however, on their way, she was forcefully subjected to rape.

4. Learned counsel for the applicant submits that the prosecutrix in this case has been examined and she has turned hostile and not supported the case of the prosecution and no case is made out against the applicant, therefore, the applicant may be released on bail.
5. State counsel is not able to dispute the fact that the prosecutrix has turned hostile.
6. Perused the statement of the prosecutrix. It appears that she 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.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Goutam Bhaduri)
Judge