

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 8191 of 2019**

Mukesh Kumar Sahu S/o Amar Singh, Aged About 22 Years Occupation  
Post Graduation Residence Of Village Bade Seepat, Tahsil Malkharoda,  
District Janjgir Champa Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through District Magistrate Janjgir, District Janjgir  
Champa Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Ishwar Jaiswal, Advocate.  
For the Respondent/State : Shri Avinash K. Mishra, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****20.01.2020**

Heard.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.69 of 2019, registered at Police Station – Malkharoda, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 307, 452 and 354(D) of the Indian Penal Code. The first bail application of the applicant was dismissed on merits vide order dated 8.7.2019 in M.Cr.C. No. 2530 of 2019.

2. Learned counsel for the applicant submits that the circumstances have changed subsequent to initiation of trial. The prosecutrix and her mother have been examined before the trial Court both have not supported the prosecution case and have not made any single statement against the

applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are other witnesses to be examined who may support the prosecution case. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the fact that the main witness/ victim of the case and her mother have been declared hostile for not supporting the prosecution case, in these circumstances and development, I feel inclined to grant regular bail to the applicant in this case.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge