

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7828 of 2018**

Mohammad Maqsood S/o Mohammad Yousuf Aged About 32 Years
R/o Village Banwarahi Circle Basdai, P. S. Surajpur, District Surajpur
Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Premnagar District
Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rahil Kochar, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/11/2018**

1. This is the Second Bail application under Section 439 of the CrPC. First bail application was rejected on 07/09/2018 by this Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.16/2017 registered at Police Station Premnagar, District Surajpur (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC and under Section 3 & 4 of POCSO Act.
3. Case of the prosecution, in brief is that the age of the prosecutrix was below 16 years on the date of incident. She is resident of village Kotariya. On 08/02/2017 the applicant abducted the prosecutrix and took away her in different places. He committed forcefully sexual intercourse with her on the pretext of marriage.
4. Counsel for the applicant submitted that prosecutrix has turned hostile in the trial Court, thus applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the

applicant.

6. As per the certified copy of the statement of the prosecutrix dated 08/08/2018 she turned hostile in the trial Court. This statement was not considered by this Court while passing the earlier order.
7. Looking to the above mentioned facts and circumstances of the case, looking to the certified copy of the statement of the prosecutrix, it is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde