

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8437 of 2018**

- Samar Bahadur @ Bahadur Ghasi S/o Balmukund Ghasi Aged About 22 Years R/o Kudkel Patelpara, Police Station Batouli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Batouli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant	: Shri Govind Dewangan, Advocate.
For Non-applicant	: Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.11.2018

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.43/2018 registered in Police Station Batouli, District Surguja for the offence punishable under Sections 363, 366, 376 (2)(b) of IPC and Sections 5(b)/6 of the POCSO Act, 2012.
3. Case of the prosecution, in brief, is that the age of the prosecutrix is near about 14 years on the date of incident. She is resident of village Batouli. On 27.04.2018 the applicant took away the prosecutrix by enticing and committed sexual intercourse with her so many times.
4. Earlier, the first bail application of the applicant has been rejected by this Court on 23.08.2018 in MCRC No. 5403 of 2018 considering the merits of the case.
5. Learned counsel for the applicant submitted that prosecutrix and her mother have been already examined by the trial Court and they turned hostile, this circumstance itself is sufficient for grant of bail to applicant, thus, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. As per the true copy of the statements of the prosecutrix and her mother recorded by the trial Court which are part of the bail application, they turned complete hostile. PW2 prosecutrix says in para 1 and 2 that she failed in her class, thus she had gone to her maternal aunt's house, applicant has not committed any wrong with her.
8. These circumstances are sufficient to enlarge the applicant on bail in second round.
9. Accordingly, It is directed 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 Trial Court with the condition that he will 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE