

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8435 of 2018**

- Santosh Kumar Yadav @ Nanhi Dhau S/o Ganesh Ram Yadav Aged About 28 Years
R/o Village Mudabhata , Police Station Katghora, district Korba Chhattisgarh.,
District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Adim Jati Kalyan
Thana Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Shri S.R.J. Jaiswal, 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 case diary provided by the counsel for the State in connection with the Crime No. 160/2018 registered at Police Station AJAK Korba, District Korba (C.G.) for the offence punishable under Sections 376 of IPC and 3(2)(5) of SC/ST Act.
3. Case of the prosecution, in brief is that the prosecutrix is near about 23 years old. She is resident of village Manpur. She is the member of the Scheduled Tribe community. Applicant is neither member of Scheduled Caste nor Scheduled Tribe community. There was a love affair between the applicant and the prosecutrix. Applicant had committed sexual intercourse with prosecutrix on pretext of marriage. Prosecutrix was become pregnant. Later on prosecutrix knew that applicant is already married.
4. Earlier, the first bail application of the applicant has been rejected by this Court on 27.09.2018 in MCRC No. 6093 of 2018 considering the merits of the case.
5. Learned counsel for the applicant submitted that prosecutrix has been already examined by the trial Court and she 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 certified copy of the statement of the prosecutrix recorded by the trial Court, which is part of the bail petition, complainant turned complete hostile. She says in para 2 that she was interested to file report against the applicant for not paying the wages, one press reporter came to her and given some written paper to her which she had given to the police station, Katghora.
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