

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1773 of 2019**

- Rajendra Kumar Joshi (Wrongly Mention Rajendra Joshi ) S/o Kanheya Joshi, Aged About 19 Years Occupation Cloth Merchant, R/o Jeewadankala, Police Station Kawardha, Tahsil - Kawardha Civil And Revenue District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

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

- State Of Chhattisgarh Police Station Kawardha Civil And Revenue District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

**---- Non-applicant**

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|-------------------|--------------------------------------|
| For Applicant     | : Shri Dinesh Tiwari, Advocate.      |
| For Non-applicant | : Shri Ashutosh Pandey, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

**26.04.2019**

1. The informant Sirrajuddin is present before this Court.
2. On putting some questions, this Court is satisfied that the person who is present before this Court is the informant Sirrajuddin.
3. 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.
4. Earlier, the first bail application of the applicant has been rejected by this Court on 22.01.2019 in MCRC No. 9736 of 2018 considering the prima facie case against him.
5. Perused the case diary provided by the counsel for the State in connection with the Crime No. 601/2018 registered at Police Station Kawardha District- Kabirdham, (C.G.) for the offence punishable under Sections 363, 366, 376, 506 of IPC and 4 of the POCSO Act.
6. Case of the prosecution, in brief is that on 03.09.2018 prosecutrix was below 15 years old. She is resident of Kawardha. On 03.09.2018 applicant took her by enticing, put vermilion on her forehead at temple of Dongargarh, thereafter he committed repeatedly sexual intercourse with her.
7. Learned counsel for the applicant submitted that prosecutrix has been examined by the trial Court and she turned hostile, not supported the prosecution case, thus he may be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
9. The informant submitted that he has no objection in releasing the applicant on bail.
10. As per the certified copy of the statement of the prosecutrix recorded by the trial Court, which is part of the bail petition, she turned hostile and did not support the prosecution case. She stated that appellant had not committed any act with her.
11. These circumstances are sufficient to enlarge the applicant on bail in second round of litigation.
12. 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.
13. Certified copy as per rules.

Sd/-  
(Sharad Kumar Gupta)  
**JUDGE**