

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1923 of 2019**

- Suresh Choudhary S/o Shri Karmu Choudhary Aged About 32 Years Caste Harijanl, R/o Village Jamel, Police Station Jainagar, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Surajpur, District Surajpur, District Surajpur Chhattisgarh

---- Non Applicant

For the Applicant : Shri Pushpendra K. Patel, Advocate

For Non Applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.04.2019**

1. Informant Sahal Singh is absent thus, notice has been served upon him.
2. 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.
3. Earlier, the first bail application of the applicant was dismissed for want of prosecution on 02.07.2018 by this Court in MCRC No.4124 of 2018.
4. Perused the case diary provided by the learned counsel for the State in connection with Crime No.70/2018 registered at Police Station- Surajpur, District- Surajpur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from the Sexual Offences Act.
5. Prosecution story in brief is that on 15.02.2016 she was below 15 years of age. She is resident of village Tilsima. She and applicant had in contact with each other by mobile, they had liking for each other. 15.02.2016 onwards he committed sexual intercourse with her. They performed the marriage in Devgarh temple and started to live as husband and wife, he committed repeatedly sexual intercourse with her.
6. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
8. As per the certified copy of the statement of the prosecutrix recorded by trial Court on 31.01.2019 which is part of the bail petition, she turned hostile and did not support the prosecution case. She had stated in Examination-In-Chief that applicant had not committed any act with her. They had performed the marriage but applicant had not committed sexual intercourse with her.
9. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the bail application is allowed, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul