

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1931 of 2019

Ashok Kumar, S/o Dashrath Lahrey, aged about 24 years, Caste Satnami,
R/o Village Kenapali, P.S. Dabhra, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Dabhra, District
Janjgir Champa (CG).

---- Non-applicant

For Applicant	: Mr. Surfaraj Khan, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.05.2019

1. Informant-Lakhan Lal Maheshwari is absent, though 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 and no other bail application is pending before any other Court.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.274/2018 registered at Police Station Dabhra, District Janjgir Champa for the offence punishable under Sections 376 & 506 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
4. The first bail application of the applicant was rejected on merits by this Court vide order dated 12.10.2018 passed in M.Cr.C. No.6839/2018.
5. Case of the prosecution, in brief is that on 29.06.2018 the prosecutrix was below 16 years of age. She is resident of village Kennapali. On 29.06.2018 at about 07:30 pm she had gone to bathroom for toilet. Applicant, who was hidden behind courtyard, taken the prosecutrix in bathroom, pressed her mouth, given threatening to kill her and committed sexual intercourse with her.
6. Counsel for the applicant submitted that the prosecutrix and her father and mother have been examined by the trial Court and they have turned hostile and did not support the prosecution case hence the

applicant may be released on bail.

7. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.

8. As per enclosed certified copies of statements of prosecutrix and her father and mother, they have turned hostile before the trial Court and did not support the prosecution case. The prosecutrix had stated that no incident was happened with her and the applicant had not committed rape with her.

9. The aforesaid circumstances are sufficient to enlarge the applicant on bail in the second round of litigation, hence, the second bail application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-