

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2057 of 2019**

- Narendra Jatwar S/o Babulal Jatwar, Aged About 24 Years R/o Sakin - Jhumka, Thana - Sarsiwa, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House In - Charge, Police Station Sarsiwa, Balodabazar, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Ms. Supriya Upasane, Advocate.
For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

09.04.2019

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. Earlier, the first bail application of the applicant has been rejected by this Court on 20.02.2019 in MCRC No. 945 of 2019 considering the prima facie case against the applicant.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No. 117/2017 registered at Police Station - Sarsiwa, Balodabazar, District Balodabazar Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 4 of the POCSO Act.
4. Case of the prosecution, in brief is that on 02.05.2017 prosecutrix was more than 16 years of age. She is resident of village Jhumka. On 02.05.2017 at about 11 pm applicant took her in his house by pulling, when she shouted he pressed her mouth. He committed forcible sexual intercourse with her.
5. Learned counsel for the applicant submitted that prosecutrix has been examined by the trial Court and she turned hostile, her father and mother also turned hostile, thus he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. As per the certified copy of the statement of the prosecutrix recorded by the trial Court on 14.03.2019, which is part of the bail petition, she does not support the prosecution case and turned hostile. She had stated that applicant had not committed any act with her. As per the certified copy of the statements of the mother and father of prosecutrix which are parts of the bail petition, they turned hostile in the trial Court and did not support the prosecution case. These circumstances are sufficient to enlarge the applicant on bail in second round of litigation.
8. 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE