

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2033 of 2019**

- Sanjay Yadav S/o Ramprasad Yadav Aged About 28 Years R/o Chandeshwarpur, Police Station- Dhaurpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Dhaurpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant	: Shri Abhishek Pandey, Advocate.
For Non-applicant	: Shri Vikram Dixit, Govt. Advocate

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 22.02.2019 in MCRC No. 516 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. 61/2018 registered at Police Station Dhaurpur, District- Surguja, (C.G.) for the offence punishable under Sections 450, 376 of IPC and 3(2-v) of SC/ST Act.
4. Case of the prosecution, in brief is that the prosecutrix is near about 22 years old. She is the member of the Scheduled Tribe. On the intervening night of 22.11.2018 and 23.11.2018 applicant entered in her house and committed sexual intercourse with her.
5. 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.
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 on 13.03.2019, which is part of the bail petition, she turned hostile. She stated that appellant had not committed any incident with her. There was a dispute that applicant has not deposited her money in the bank. 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