

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3309 of 2019**

Satish Achari S/o Late Suresh Achari Aged About 34 Years R/o House
No. 30/4, Near Devanta Hospital, Radhika Nagar, Supela, Bhilai,
District- Durg, Chhattisgarh, District : Durg, Chhattisgarh .

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Chhawani, District- Durg, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Avinash Chand Sahu, Advocate
For the State	:	Shri K.K. Singh, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29/05/2019**

1. This is the Second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 01/12/2018 in MCRC No. 8870/2018 considering *prima facie* case against applicant.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.613/2018 registered at Police Station Chhawani, District Durg (C.G.) for the offence punishable under Section 354(b), 294, 506, 323 of IPC and Section 9 (n), 12 of POCSO Act.
3. Case of the prosecution, in brief is that on 06/08/2018 the prosecutrix was aged about 13 years old. The present applicant is step-father of prosecutrix. On 06/08/2018 he abused her and beaten her. He used criminal force to outrage her modesty and removed her clothes and touched her private body parts.
4. Learned counsel for the applicant submits that in case in hand prosecutrix has been examined in trial and she has turned hostile and did not support the prosecution case, therefore, the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant and submitted that no criminal antecedent against the applicant has been reported in the police case diary.
6. As per the certified copy of the statement of the prosecutrix recorded by

the trial Court, she has turned hostile and stated that the applicant has not committed any incident with her, these circumstances are sufficient to enlarge the applicant on bail in second round of litigation.

7. 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, 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 Court, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Vacation Judge

Vatti