

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3441 of 2019**

Chandra Prakash Kurre, aged about 32 years, Mohan Das Kurre, R/o village Beltukri, P.S. Kharora, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Kharora, District Raipur (CG). **---- Non-applicant**

For Applicant	: Mr. Devershi Thakur, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.06.2019

1. 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.
2. Perused the case diary provided by the counsel for the State in connection with crime No.438/2018 registered at Police Station Kharora, District Raipur for the offence punishable under Sections 376, 342, 506 of Indian Penal Code.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 19.02.2019 passed in M.Cr.C.No.797/2019.
4. Case of the prosecution, in brief is that prosecutrix was aged about 20 years old. She is a resident of Santoshi Nagar, Raipur. On 12.12.2018 applicant called the prosecutrix saying that he will provide job to her. He took her in a house at Kharora. He touched her body, gave threats to kill her and committed forcibly sexual intercourse with her. On the next day morning, he left her at village Mandir Hasaoud.
5. Counsel for the applicant submits that the prosecutrix has been examined before the trial Court, she turned hostile and did not support the prosecution case and as such the applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. As per certified copy of statement of prosecutrix she had stated in examination-in-chief that the applicant had not committed any wrong act with her. Due to some dispute being annoyed she lodged report against the applicant. These circumstances are sufficient to enlarge the applicant on bail in the second round of litigation. Consequently, 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-