

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3834 of 2019**

- Raju @ Rajesh S/o Ramashankar Kesharwani Aged About 27 Years R/o Ratakhar, Tahsil And District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, City Kotwali Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Surfaj Khan, Advocate.
For Non-applicant	: Shri A. Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.07.2019

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 16.01.2019 in MCRC No. 9703 of 2018 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. 716/2018 registered at Police Station City Kotwali, District-Korba, (C.G.) for the offence punishable under Sections 363, 366 (क) , 376 of IPC and Section 4 of the POCSO Act.
4. Case of the prosecution, in brief is that on 24.09.2018 the prosecutrix was aged about 13 years. She is a resident of village Ratakhar, Korba. On 24.09.2018 she went to Chandrapur for roaming. The applicant met her, when they were returning back from there at about 8/9 pm, the applicant took her in lonely place and committed sexual intercourse with her.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, prosecutrix has been examined in the trial Court, she turned hostile and did not support the prosecution case, therefore, he shall be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
7. As per the certified copy of the statement of the prosecutrix recorded by the trial Court which is part of the bail petition, she had stated in her examination in chief that she had gone to Chandrapur without intimating any of her family members. Applicant had not committed sexual intercourse with her.
8. These circumstances are sufficient on strength of which the applicant may be enlarged on bail in second round of litigation.
9. Consequently, 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE