

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4209 of 2019**

Hemkumar Chaturvedi @ Suraj S/o Rajendra Chaturvedi Aged About 22 Years R/o Village- Bartori, Police Station And Tahsil- Bilha, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Bilha, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/08/2019**

1. After putting some questions this Court satisfied that the person who is present in the Court is Suraj Dhritlahre, informant-father of the prosecutrix.
2. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 03/05/2019 in MCRC No.733 of 2019 considering *prima facie* case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 297/2018 registered at Police Station Bilha, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
4. Case of the prosecution, in brief is that on 14/09/2018 prosecutrix was below 16 years of age. There was the love affair between her and applicant. On 14/09/2018 she and applicant eloped. Thereafter, applicant committed repeatedly sexual intercourse with her in Delhi.
5. Counsel for the applicant submitted that prosecutrix has been examined in trial Court and did not support the prosecution case

turned hostile, thus he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however there is no previous criminal antecedent against the applicant.
7. Informant submitted that applicant may be released on bail.
8. As per the certified copy of the statement of prosecutrix dated 13/06/2019 recorded by the trial Court, she turned hostile did not support the prosecution case and stated in examination-in-chief that quarrel was happened between her and her parents, she had left the house and went Delhi. This is wrong that she had gone Delhi along with applicant and he committed sexual intercourse with her.
9. These circumstances are sufficient to enlarge the applicant on bail in second round of litigation, consequently second bail application is allowed and it is ordered 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 with the condition that he shall appear before the concerned 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