

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4350 of 2019**

- Prabhu @ Bhuru Soni S/o Kamta Prasad Soni Aged About 20 Years
R/o Road Atariya, Tahsil Chhuikhadan, District Rajnandgaon
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station -
Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Non Applicant

For the Applicant : Mr. Abhishek Sharma, Advocate

For the State : Mr. Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.08.2019**

1. Allegedly Informant- Kishu Gowkar, who is brother of the prosecutrix is present in person before this court. After putting some questions, this Court is satisfied that person, who is present in the Court is informant.
2. 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.
3. Earlier, the first bail application of the applicant was dismissed as withdrawn on 20.06.2019 by this Court in MCRC No. 3016 of 2019.
4. Perused the case diary provided by the learned counsel for the State in connection with Crime No.149/2018 registered at Police Station- Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable

under Sections 363, 366, 376 of Indian Penal Code and Section 3, 4 of the protection of Children from Sexual Offences Act.

5. Case of the prosecution, in brief is that on 30.06.2018 prosecutrix was below 16 years of age. She is resident of village Atariya. There was love affair between her and applicant. On 30.06.2018 he took her by enticing at Dongargarh. He put vermilion on her forehead. He committed sexual intercourse with her.
6. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
8. As per the certified copy of the statement of the prosecutrix dated 24.06.2019 recorded by trial Court, which is the part of the bail application, she stated that a quarrel happened between her and her Bhabhi, she alone went Rajnandgaon to the house of her Badi Maa. In examination in chief she did not state against the applicant, did not support the prosecution case and turned hostile.
9. Informant- Kishu Gowkar, brother of the prosecutrix submits that he has no objection in releasing the applicant on bail, thus applicant may be released on bail.
10. 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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned 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 be released on bail.

Sd/-

(Sharad Kumar Gupta)
Judge