

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4388 of 2019**

Nitesh Kumar Dewangan S/o Lt. Shri Chotelal Dewangan Aged About
23 Years R/o Village Saragaon, Police Station Kharora, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Khamtarai, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Pragalbha Sharma, Advocate
For the State	:	Shri Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**20/08/2019**

1. After putting some questions this Court satisfied that the person who is present in the Court is Smt. Nisha Hirwani, informant-step mother of the prosecutrix.
2. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was dismissed as withdrawn by this Court on 12/04/2019 in MCRC No.1441 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 399/2018 registered at Police Station Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and under Section 4,5 a (iv) of POCSO Act.
4. Case of the prosecution, in brief is that on 20/07/2018 prosecutrix was below 16 years of age. She is resident of Raipur. On 20/07/2018 applicant took her by enticing. He committed repeatedly sexual intercourse with her on pretext of marriage.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he may be

released on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Informant submitted that applicant may not be released on bail.
8. As per true copy of the statement of the prosecutrix dated 21/06/2019 recorded by the trial Court which is part of the bail application, she stated that applicant has not committed any act with her. She did not support the prosecution and turned hostile.
9. 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 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