

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4744 of 2019**

Kapil @ Jitendra Kosle S/o Late Surendra Kosle Aged About 20 Years
R/o Ward No. 07 Mini Basti Jarhabhata, Police Station Civil Line,
District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Chowki
Maro, Police Station Nondghat, District Bemetara Chhattisgarh.,
District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shatrughan Sahu, Advocate
For the State	:	Shri D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/08/2019**

1. After putting some questions this Court satisfied that the person who is present in the Court is Brijlal Kurre, 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 10/04/2019 in MCRC No.1822 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. 123/2018 registered at Police Chowki Maro, P.S. Nandghat, District Bemetara (C.G.) for the offence punishable under Sections 363, 366 (A), 376 of IPC and Section 5(L), 6 of POCSO Act.
4. Case of the prosecution, in brief is that on 23/03/2018 prosecutrix was below 16 years of age. She is resident of village Jhilga. There was love affair between her and applicant. She had phoned applicant that he came and took her. She had gone along with him at Pune. In the temple they exchanged the

garlands. There was the physical relationship between them.

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 be released on bail. Earlier on 10/04/2019 he had also made same type of request which was considered by this Court.
8. There is no change of circumstances which may entitle applicant to release on bail in second round of litigation. Hence, second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge