

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4784 of 2019**

- Lakki Mistri @ Lachchh Kumar Nonia S/o Laxmi Prasad Nonia Aged About 21 Years R/o Village Kharoud, Police Station Shivrinarayan , District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station Amleshwar, District Durg Chhattisgarh

---- Non Applicant

For the Applicant	:	Mr. Tarun Dansena, Advocate
For Non Applicant	:	Mr. H.S. Ahluwalia, Deputy A.G.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.08.2019**

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 was rejected by this Court by order dated 24.04.2019 passed in MCRC No.1725 of 2019 considering prima facie case against the applicant.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.63/2018 registered at Police Station- Amleshwar, District- Durg(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and u/s 4, 5(२)/6 of POCSO Act.
4. Prosecution story in brief is that on 7-7-2018 prosecutrix was below 14 years of age. She is resident of village Sankhra. On 7-7-2018 applicant took her by enticing and committed repeatedly sexual intercourse with her.
5. Counsel for the applicant submits that prosecutrix and her mother have been examined by the trial Court, they did not support the prosecution case and turned hostile thus, applicant may 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 photocopy of the statement of the prosecutrix and P.W.2

Smt. Kumari Bai, who is the mother of the prosecutrix, which are the part of the bail petition, they did not state against the applicant. They turned hostile and did not support the prosecution case.

8. These circumstances are sufficient to say that circumstances have been changed now.
9. Looking to these 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.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

PM