

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4812 of 2019**

- Chandraprakash Kuldeep @ Chandu Kuldeep S/o Late Dhaniram Kuldeep Aged About 28 Years R/o Village Koraplot Police Station Farasgaon District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Farasgaon, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant : Shri P.K. Tulsyan, Advocate.

For Non-applicant : Shri Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

14.10.2019

1. After putting some questions, this Court is satisfied that the lady who is present before this Court is Smt. Dulari Sahare, grand mother of the prosecutrix.
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 has been rejected by this Court on 25.03.2019 in MCRC No. 9470 of 2018 considering the prima facie case against the applicant.
4. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 46/2018 registered at Police Station – Farasgaon, District – Kondagaon (C.G.) for the offence punishable under Section 363, 376, 506 of the Indian Penal Code and 6 of the Protection of Children from Sexual Offences Act, 2012.

5. Case of the prosecution, in brief is that prosecutrix was below 16 years of age in the year 2016. She is resident of village Farasgaon. Applicant is a teacher. She used to go to applicant for tuition. In 2016 he had started to molest her, committed repeatedly sexual intercourse with her at Kerala Model School by giving threats to kill her.
6. Counsel for the applicant argued that most of the prosecution witnesses have been examined and they did not support the prosecution case during cross examination, thus, 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 antecedent against the applicant in the case diary.
8. The authorised agent of informant namely Smt. Dulari Sahare submitted that applicant may not be released on bail.
9. There is no material change in circumstances which may entitle the applicant to enlarge on bail in second round of litigation, consequently, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE