

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5764 of 2019**

Navin Sidar S/o Shiv Prasad Sidar Aged About 19 Years R/o Village Baghnipali, Police Station Chandrapur, Tahsil Dabhra, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chandrapur, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri K.K. Dewangan, Advocate
For the State	:	Shri Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**24/09/2019**

1. Representative of informant/prosecutrix her father Aasharam Sidar absent, though notice has been served upon him.
2. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 25/04/2019 in MCRC No. 962/2019 considering *prima facie* case against him.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No.157/2018 registered at Police Station Chandrapur, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act.
4. Case of the prosecution, in brief is that on 16/08/2018 prosecutrix was below 15 years of age. She is resident of village Baghnipali. On 16/08/2018 applicant took her in Dongri forest at village Pujeripali and committed sexual intercourse with her on pretext of the marriage.
5. Counsel for the applicant submitted that he is innocent and has been falsely implicated in the present case. He further submitted that prosecutrix has been examined by the trial Court she did not support the prosecution case and turned hostile, therefore applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application. However, he submitted that no criminal antecedent against the applicant.
7. As per the true copy of the statement of the PW-2 prosecutrix recorded by the trial Court on 06/08/2019 which is part of the bail application she had made statement in para No. 2 during examination in chief that applicant had not committed any act with her. She did not support the prosecution case and turned hostile. These circumstances are sufficient to enlarge the applicant on bail in second round of litigation.
8. Consequently, it is ordered 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 trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules

Sd/-
(Sharad Kumar Gupta)
Judge