

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6414 of 2019**

- Sonu @ Radhey Sahu S/o Late Panchu Sahu Aged About 23 Years R/o Infront Of Shradha Ashram, Sima Nagar, Telibandha, Police Station Telibandha, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, District Raipur Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri C.R. Sahu, Advocate
For Non Applicant	:	Mr. V. K.Agrawal, Panel Lawyer
For Informant	:	Mr. S. P. Sahu, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.10.2019**

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 vide order dated 17.06.2019 passed in MCRC No.2807 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.75/2019 registered at Police Station- Telibandha, Civil and Revenue District- Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act.
4. Prosecution story in brief is that on 07.02.2019 the age of the prosecutrix was below 15 years. On 07.02.2019 the applicant took her by enticing and committed repeatedly sexual intercourse with her.
5. Counsel for the applicant submitted that in the case in hand, prosecutrix has

been examined by the trial Court, she 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 in police case diary.
7. Counsel for the informant submits that he has no objection in releasing the applicant on bail.
8. As per the certified copy of the statement of P.W.-1 prosecutrix she had made a statement during the examination in chief that applicant had not committed any offence 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.
9. Consequently, the bail application of applicant is allowed and it is ordered 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 trial 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

Parul