

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6480 of 2019**

- Rinku Kerketta S/o Patras Kerketta, aged about 18 years, Caste- Uraon R/o Village- Bankheta, Police Station Tumla, District Jashpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : The Station House Officer, Police Station Tumla, District Jashpur(C.G.)

---- Respondent

For Applicant.	:	Shri Sanjeev Kumar Sahu, Advocate.
For Respondent.	:	Shri Anurag Vermam, PL for the State

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/09/2019**

1. The accused/applicant has moved this bail application under Section 439 of Criminal Procedure Code, 1973, for releasing him on regular bail during trial in connection with Crime No. 13/2019 registered at Police Station Tumla District Jashpur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and U/s 4, 5(i)(ii), 6 of POCSO Act.
2. The prosecution story, in brief, is that on 18.02.2019 the presented applicant kidnapped the prosecutrix and committed sexual intercourse on the prosecutrix. Thereafter, prosecutrix lodged FIR against the present applicant and charges were framed as mentioned above.
3. Learned counsel for the applicant submits that this is the second bail application. The first application of the applicant for bail has been dismissed as withdrawn on 29.07.2019. He further submits

that the applicant is innocent and has been falsely implicated in crime in question. He also submits that the prosecutrix (PW-2) did not support the case of the prosecution and turned hostile. Therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the fact that prosecutrix (PW-2) turned hostile and that the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**