

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6858 of 2019

- Vikram Sahu S/o Late Nand Kumar Sahu Aged About 22 Years R/o Village-Tarra, Post Office And Police Station- Panduka, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station-Panduka, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Shivendu Pandya, Advocate.
For Non-applicant	: Shri Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board05.12.2019

1. The alleged informant Shri Janak Ram Sahu is present in person.
2. After putting some questions, this Court is satisfied that the person who is present before this Court is the informant.
3. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
4. Earlier, the first bail application of the applicant has been dismissed by this Court on 02.05.2019 in MCRC No. 447 of 2019 considering prima facie case against him.
5. Perused the case diary provided by the learned counsel for the State in connection with crime No. 193/2018 registered at Police Station – Panduka, District – Gariyaband (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and 6 of the POCSO Act.
6. Case of the prosecution, in brief is that 1½ years prior to 03.09.2018 the prosecutrix was below 14 years of age. She is resident of village Tarra. 1½ years prior onwards applicant committed repeatedly forcible sexual intercourse with her.

7. Learned counsel for the applicant argued that in the case in hand prosecutrix has been examined by the trial Court and she turned hostile and did not support the prosecution case, therefore, he shall be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application and submitted that there is no antecedent against the applicant.
9. The informant submitted that applicant may not be released on bail.
10. As per the certified copy of the statements of PW15 the prosecutrix, she had stated in para 3 during the examination in chief that no incident was happened with her. She did not support the prosecution case and turned hostile.
11. These circumstances are sufficient to enlarge the applicant on bail in second round of litigation.
12. Consequently, the second bail application is allowed and 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 will appear before the concerned Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
13. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE