

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7204 of 2019**

Ravindra Kujur @ Rajendra Kujur S/o Lalsay Aged About 21 Years R/o Village - Kunwarpur, (Jhadipur), P.S. And Tahsil - Lakhanpur, District Surguja Chhattisgarh....(In Jail), District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja Chhattisgarh....(Non Applicant), District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For the Applicant	:	Shri Sunil Tripathi and Ms. Versha Sharma, Advocates
For the State	:	Shri Praveen Shrivastava, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/12/2019**

1. Shri Devesh G. Kela, Advocate appearing on behalf of informant Vishwanath Ram.
2. This is the second bail application under Section 439 of the CrPC. Earlier his first bail application was rejected by this Court vide order dated 26/04/2019 in MCRC No. 1114/2019 considering prima facie case against him.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No.8/2019 registered at Police Station Lakhanpur, District Surguja (C.G.) for the offence punishable under Section 376 of IPC and Section 4 of POCSO Act.
4. Case of the prosecution, in brief is that on 12/01/2019 prosecutrix was below 15 years old. She is resident of village Koshba. On 12/01/2019, applicant committed sexual intercourse with her on pretext of marriage.
5. Counsel for the applicant submitted that prosecutrix, her father and her mother have been examined in the trial court they turned hostile. She drew my attention on para 3 of the true copy of the statement of

PW-4 prosecutrix. She further submitted that in these circumstances applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
7. Counsel for the informant submitted that applicant may not be released on bail. He has objected on releasing applicant on bail.
8. As per true copy of the statement of PW-4 prosecutrix which is part of the bail application she had stated against the applicant in para 1 during examination-in-chief.
9. This is well settled legal position that at this stage this Court neither can scrutinize nor appreciate the same. This is also well settled legal position that at this stage the Court cannot touch the merits and demerits of the case.
10. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no material change in circumstance on strength of which applicant may be released on bail in second round of litigation. Consequently second bail application of the applicant is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge