

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4473 of 2019

- Awdhesh Kumar Rajput S/o Ramsharan Rajput Aged About 23 Years
R/o Village - Ghorha, Thana - Nandghat District - Bemetara
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post - Maro, Police Station -
Nandghat District - Bemetara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Bhuvneshwar Singh, Advocate.
For Respondent/State	: Mr. Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/07/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 497/2018, registered at Police Station Nandghat, District Bemetara (C.G.) for the offence punishable under Section 376, 450 & 506 of the IPC and Section 6 of the POCSO Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the prosecutrix before the Trial Court vide order dated 14.03.2019, passed in MCRC No. 1527/2019.
3. As per prosecution story, on 28.12.2018, father of the prosecutrix lodged a report in concerned police station alleging therein that before 7-8 months of lodging the FIR, the applicant committed sexual intercourse with her daughter/prosecutrix. On the basis of said report, offence has been registered. The applicant is in custody since 30.12.2018.
4. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the case. He further submits there is 7 months delay in lodging the FIR and no proper explanation has been given by the prosecution regarding the delay, DNA test report of the prosecutrix is also negative. The applicant is in custody since 30-12-2018 and trial is likely to take some time. Therefore, the applicant may be released on bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the statement of prosecutrix recorded before the Trial Court. The applicant is in custody since 30-12-2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge