

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5774 of 2019**

- Janak Singh Rathore S/o Dadu Ram Rathore Aged About 26 Years R/o Village Bhadaura, Jogyapara Police Station Gourela, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Pendra, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Yogeshwar Sharma, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/09/2019**

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. 241/2018, registered at Police Station – Pendra, District - Bilaspur, (C.G.) for the offence punishable under Sections 376(1), 352, 307 of IPC and Section 4 of POCSO Act, 2012 and Section 3(1) (ब-I) (ब-II), 3(2) (5) of SC/ST Act.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after examination of the prosecutrix before trial Court vide order dated 11.01.2019 passed in MCRC No. 9458 of 2018.
3. In this case, age of the prosecutrix at the relevant time was about 16 years. As per the prosecution story, on the date of incident when prosecutrix was alone in her house, allegedly, present Applicant entered into the house of the prosecutrix and committed forcible sexual intercourse with her. He also assaulted the prosecutrix and due to that she sustained grievous injuries. Report was made by the

prosecutrix and on the basis of the said, offence has been registered. Applicant has been arrested on 08.07.2018.

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 that prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution and turned hostile. Applicant is in custody since 08.07.2018, charge-sheet has been filed and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 08.07.2018, charge-sheet has been filed, and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge