

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 433 of 2020**

- Anil Nishad S/o Shri Sukhlal Nishad Aged About 19 Years R/o Village Khurmudi, Chouki Siliyari, Police Station Dharsiva, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dharsiva, District Raipur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Devarshi Thakur, Advocate.
For Respondent/State	:	Ms. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.03.2020**

1. The accused/applicant has moved this **second bail application** filed under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 312/2019 registered at Police Station - Dharsiva, District Raipur (C.G.) for the offence punishable under Section 376 of IPC, Sections 4 & 6 of POCSO Act. The first bail application of the applicant was rejected on 20.12.2019 in MCRC No. 6366/2019 on the ground that the prosecutrix was below 16 years of age.
2. The allegation against the applicant, as per the prosecution case, is that, he committed sexual intercourse with the prosecutrix against her will. Based on that, after investigation, offence has been registered and he has been arrested.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that before the trial Court, the statements of prosecutrix and her parents were recorded and in their statements they have not supported the prosecution case. He next added that the applicant is in jail since 28.06.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel 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, and particularly the fact that the prosecutrix and her parents have not supported the prosecution case before the trial Court, as 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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

Vijay Sahu