

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1650 of 2020**

- Manoj Kumar Panda, S/o Chintamani Panda, Aged About 34 Years, R/o Village- Darripara, Gharghoda, P.S. - Gharghoda, District- Raigarh (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, through Officer-in-charge, Police Station- Gharghoda, District- Raigarh (C.G.).

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Adv.

For Respondent/State : Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.08.2020**

1. Heard on admission.
2. Admit.
3. The default as pointed out by the Registry, has been removed.
4. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 65/2019 registered at Police Station- Gharghoda, District- Raigarh, (C.G.) for the offence punishable under Sections 363, 366, 376/34 of IPC, 1860 and Section 6 of POCSO Act.
5. The first bail application of the applicant was dismissed as withdrawn with liberty to file at appropriate stage vide order dated 22.10.2019 by this Hon'ble Court.
6. The prosecution story, in brief is that, on 31.03.2019, main accused namely Dinesh Rathiya kidnapped the prosecutrix whereby the present applicant took them on motorcycle, thereafter, main accused committed rape with her. Thereafter, offence has been registered

against the present applicant and he has been taken into custody.

7. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the allegation of rape has been registered against the main accused person namely Dinesh Rathiya. The applicant is in jail since 28.05.2019 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
8. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has been recovered from the possession of the present applicant and the allegation against him is of serious in nature, therefore, no case is made out for grant of bail.
9. I have heard learned counsel for the parties and perused the case diary.
10. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the allegation of rape has been registered against the main accused person namely Dinesh Rathiya. The applicant is in jail since 28.05.2019 and 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.
11. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ruchi