

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1522 of 2020**

- Yogesh Badge @ Kalu S/o Anil Badge, aged about 20 years, R/o Rajeev Nagar, Ward No. 10, Dongargarh, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station-Durg, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Abhinav Shrivastava, Adv.
For Complainant	:	None, though notice has been served.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.
For Objector	:	Mr. Avinash Chand Sahu, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/07/2020**

1. 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. 390/2019 registered at Police Station Durg, District-Durg (C.G.) for the offence punishable under Sections 363, 366, 376, 493 of IPC and Sections 4 & 6 r/w 5(1) of POCSO Act.
2. The First Bail application of the applicant was withdrawn by the applicant with liberty to file afresh after examination of material witnesses vide order dated 08.08.2019 passed by this Court in MCRC No. 4553/2019.
3. The prosecution story, in brief is that, on 15.04.2019 at about 12:00 pm, the prosecutrix without informing her family went somewhere and did not return, therefore, an FIR was lodged on 21.04.2019. During investigation the prosecutrix was recovered from the custody of the applicant on 03.05.2019.

After recording statement of the minor prosecutrix and other witnesses it was found that the applicant had seduced the prosecutrix by making a false promise of marriage and escorted her to a rented house in Bhilai where he eccentrically applied vermillion on her trichion before a portrait of a Hindu God. It is alleged that on pretext of marriage the applicant committed sexual intercourse with the prosecutrix. Present applicant has been taken into custody on 03.05.2019.

4. 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 applicant is in jail since 03.05.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
6. Learned counsel for the objector opposes the bail application and submits that the applicant allured to the minor girl who is below 16 years of age and on the pretext of marriage committed sexual intercourse with the prosecutrix, therefore, the present applicant may not be enlarged on bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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