

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2100 of 2020**

- Kanwal narayan Sahu S/o Bahur Ram Sahu aged about 32 years, R/o Heerapur, Police Station and District- Balod, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, P.S. Balod, District-Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. T. K. Jha, Adv.
For Respondent/State	:	Mr. H. S. Ahluvalia, Dy. A.G.
For Complainant	:	None, though notice has been served.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/07/2020**

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. 295/2019 registered at Police Station Balod, District-Balod (C.G.) for the offence punishable under Sections 376, 506-II of IPC and 4, 5 (३), 6 of POCSO Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix by this Court on 17.01.2020 in MCRC No. 6971/2019.
3. The prosecution story, in brief is that, father of the prosecutrix lodged a complaint that the date of birth of his daughter is 21.09.2004 and presently studying in Class-9th. When the prosecutrix secured less number in the examination, her class teacher called her with her father. When the Class teacher asked her what is the reason for

obtaining less number in the examination, she told that the applicant used to come to her residence when her parents were not in the home and established physical relation since 2013 to 2019, the applicant had also asked him not to disclose this incident to anyone and also threatened her. Because of this incident, she has become weak. Based on this offence has been registered against the present applicant. Present applicant has been taken into custody on 30.06.2019.

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 incident has been continuing from the year 2013 and disclosure by the prosecutrix in the year 2019, when she obtained less numbers which goes to show that the prosecution case is doubtful and there is a enmity between both the families therefore, complainant lodged a false report against the present applicant. He next submits that the applicant is in jail since 30.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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 and the applicant committed various time sexual intercourse with the minor girl, who is below 16 years of age therefore, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge