

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1870 of 2020**

- Shailendra Baghel @ Golu, S/o Munna Baghel, Aged About 21 Years, R/o Village- Dohatra, Chowki- Maro, Police Station- Nandghat, District- Bemetara (C. G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station- Nandghat, District- Bemetara (C. G.).

---- Respondent

For Applicant	: Mr. Bharat Rajput, Adv.
For Respondent/State	: Mr. H. S. Ahluwalia, Dy. A.G.
For Complainant	: Mr. Amit Kumar Sahu, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.08.2020**

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. 285/2019 registered at Police Station- Nandghat, District- Bemetara (C.G.) for the offence punishable under Sections 363, 366, 376/34 of IPC and Sections 4, 6 & 12 of POCSO Act, 2012.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix vide order dated 27.02.2020.
3. The prosecution story, in brief is that, the applicant along with other co-accused persons have abducted the prosecutrix from the lawful guardianship of her father and thereafter, present applicant has committed sexual intercourse with her on the pretext of marriage. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

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 prosecutrix has no objection regarding grant of bail to the applicant. The applicant is in jail since 29.11.2019 and 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 and the submission made in this respect. It is submitted that the offence committed by the applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix has no objection regarding grant of bail to the applicant. The applicant is in jail since 29.11.2019 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.
8. 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