

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4007 of 2020**

- Yashwant Kumar Sinha son of Videsh Ram Sinha, aged about 52 years, R/o village Satmara, P.S. Ranchirai, District Balod (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Shikhar Sharma, Advocate
For Respondent	:	Shri Rahul Jha, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/09/2020**

1. The applicant has preferred this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.45/2019 registered at Police Station – Ranchirai, District Balod (C.G.) for the offence punishable under Sections 363, 376 IPC and Sections 4, 5(d) and 6 of POCSO Act.
2. Earlier bail application of the applicant was dismissed as withdrawn.
3. The prosecution case, in brief, is that when the prosecutrix along with her brother and friends were playing near the house, at the relevant time, the applicant came there, offered money and took her to his house where he committed forcible sexual intercourse with her. Based on this, the offence has been registered. The applicant has been taken into custody on 14.07.2019.
4. Learned counsel for the applicant submits that the applicant

is innocent and has been implicated in the crime in question because of old dispute which had taken place between him and the father of prosecutrix. He further submits that according to medical report of the prosecutrix, her hymen was intact and no definite opinion regarding commission of rape was given. He also submits that no external or internal injury was found on the private part of the prosecutrix. It is next submitted that the applicant is in custody since 14.07.2019, charge sheet has not been filed and there is no likelihood of his case being decided in near future. Therefore, the applicant may be granted bail. Learned counsel for the applicant also submits that the trial Court may be directed to conclude the trial as expeditiously as possible.

5. Learned counsel for the State has opposed the bail application. Learned State counsel submits that the Prosecutrix, in her Court statement, has specifically stated against the applicant that it is he who has committed sexual intercourse with her.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, gravity of offence, quality of evidence and further considering the age of the prosecutrix, 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. However, the trial Court is directed to conclude the trial as expeditiously as possible, preferably within a period of 45 days from the receipt of copy of this order.

Certified copy, as per rules.

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