

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2892 of 2020**

- Tomeshwar Sahu S/o Parmeshwar Sahu aged about 18 years, R/o Bajrang Para, Pulgaon, Police Station- Pulgaon, Tahsil and District-Durg, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Adv.
For Complainant	:	None, though notice has been served.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

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. 392/2019 registered at Police Station Pulgaon, District-Durg (C.G.) for the offence punishable under Sections 363, 366, 376 (N)(H) of IPC and Section 6 of POCSO Act.
2. The First Bail application of the applicant was withdrawn by the applicant with liberty to file the same at an appropriate stage vide order dated 13.02.2020 passed by this Court in MCRC No. 7493/2019.
3. The prosecution story, in brief is that, complainant had lodged a report that, on 02.08.2019 he left his daughter to her grand father's house at Pulgaon, but on 05.08.2019 aunt of the prosecutrix informed him that the prosecutrix has left the house and the applicant had taken her away on pretext of marriage and committed sexual intercourse with her. During investigation the prosecutrix was recovered from the

possession of the applicant near Shivnath river bridge. Present applicant has been taken into custody on 06.08.2019.

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 prosecutrix was a consenting party and the applicant is in jail since 06.08.2019, 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. The applicant allured the prosecutrix who is below 16 years of age and on the pretext of marriage, committed sexual intercourse with her, therefore, the present applicant may not be enlarged 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**