

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3583 of 2020**

- Soukhi Das, aged about 38 years, S/o Late Shri Chanhoo Das Manikpuri, R/o current address- Dhuru, Permanent Address- Village Birkoni, P. S. Akaltara, District Janjgir Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through the Police Station Sakri, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. Abdul Wahab Khan, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.08.2020**

1. The applicant has filed his **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 342/2019 registered at Police Station : Sakri, Bilaspur (C.G.) for the offence punishable under Sections 363, 366-A, 376 of the I.P.C. and Section 4 & 6 of the POCSO Act.
2. First bail application of the applicant was dismissed as withdrawn on 03.03.2020 passed in MCRC No. 8169/2019 and a liberty was given to renew the same after examination of the prosecutrix.
3. As per the prosecution case, the allegation against the present applicant is that he committed sexual intercourse

with the minor prosecutrix many times.

4. Learned counsel for the applicants submits that the applicant has been falsely implicated in the crime in question. He further submits that his first bail application was dismissed as withdrawn with liberty to file the same after examination of prosecutrix but more than five months have been passed, due to the pandemic disease COVID -19, the prosecutrix has not been examined yet before the trial Court and also there is no possibility of expeditious trial, furthermore, he is in jail since 23.11.2019, and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
5. On the other hand, State counsel strongly opposes the bail application submitting that looking to the nature and gravity of the crime and age of the prosecutrix, he may not be granted bail.
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, nature and gravity of the case, age of the prosecutrix, at this stage, I am not inclined to release him on bail.
8. Accordingly, his second bail application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge