

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3723 of 2020**

- Itwarsai Manikpuri S/o Hariram Manikpuri Aged About 50 Years Caste - Panika, R/o Rajpuri, Khurdi, Saraipali, P.S. Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh.
2. Rajbhajan Yadav S/o Bidhaku Yadav Aged About 41 Years R/o Village Deoghar, Majapara, P.S. Ambikapur, District Surguja Chhattisgarh. Mobile No. 9753228684.

---- Respondents

For Applicant.	:	Mr. Jitendra Shrivastava, Advocate.
For State	:	Ms. Sunita Jain, G.A.
For Respondent No. 2.	:	None.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.08.2020**

1. Heard.
2. Admit.
3. The applicant has filed this **Second bail application** filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 753/2019 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 363, 366(A), 376(2) (n) & 368 of the IPC and Sections 5(n) & 6 of POCSO Act.
4. The first bail application of the applicant was dismissed as withdrawn by this Court on 05.03.2020 passed in MCRC No.

1645/2020 and a liberty was given to counsel for the applicant to file the same at an appropriate stage.

5. The allegation against the present applicant, as per the prosecution case is that he assisted the co-accused/his son who had committed sexual intercourse with the prosecutrix on the pretext of marriage. Based on that, after investigation, offence has been registered against the applicant.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the main allegation of rape is against co-accused/his son and the allegation against the present applicant is that he dropped the prosecutrix in her relatives' house. 07.02.2020 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.
7. On the other hand, State counsel strongly opposes the bail application.
8. I have heard learned counsel for the parties and perused the record.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 07.02.2020 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.
10. 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 said Court on each and every date given to him by the said Court.

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

Vijay Sahu