

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4196 of 2020**

- Chnadrashekhhar @ Methu Gond, aged about 19 years, Son of Shri Lallu Ram, Occupation- Labour, R/o. Village- Murka (Ghutrapara) P.S. & Tahsil- Rajpur, District Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- the Station House Officer, Police Station- Rajpur, District Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Neeraj Kumar Mehta, Advocate.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.08.2020**

1. Pursuant to the order dated 19.08.2020, complainant along with prosecutrix is present today before this Court through Video Conferencing and on being asked he made no objection regarding the grant of bail of the applicant.
2. The accused/applicant has moved this **Second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 142/2019 registered at Police Station – Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376(2)(n) & 506 of the IPC and Sections 3, 4, 5, 6 of POCSO Act.
3. The first bail application of the applicant was dismissed as withdrawn on 12.12.2019 passed in MCRC No. 5302/2019 and a liberty was given to the counsel for the applicant to file the same after examination of material witnesses.

4. As per the prosecution case, the allegation against the present applicant is that he has committed sexual intercourse with the prosecutrix on the pretext of marriage.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that the prosecutrix has not supported the prosecution case before the trial Court and thus turned hostile. The applicant is in jail since 07.06.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
6. Per contra, State counsel opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, prosecutrix' statement before the trial Court, particularly, the fact that the complainant made no objection regarding the bail of the applicant, as applicant is in jail since 07.06.2019 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.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one 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**