

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3998 of 2020**

- Bholashankar Yadav S/o Amar Sai Yadav, aged about 18 years, R/o village Bangaon, Police Station Kotba, District Jashpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Tamnar, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Ashish Gupta, Advocate
For Respondent	:	Ms. Sunita Jain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****31/08/2020**

1. Heard.
2. Admit.
3. Notice issued to the complainant has been served.
4. 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.262/2019 registered at Police Station - Tamnar, District Raigarh (C.G.) for the offence punishable under Sections 363, 365, 392, 376, 34 IPC and Section 6 of POCSO Act.
5. Earlier bail application of the applicant was dismissed as withdrawn.
6. The prosecution story, in brief, is that on 07.12.2019, when the prosecutrix and one Sonu Bairagi were waiting for bus to their house, the applicant and co-accused came there on motorcycle, introduced themselves to be police officer and took them on their motorcycle. On the way, the applicant and co-accused snatched the mobile of Sonu Bairagi and left

her there saying that they have to take the prosecutrix to the police station. Thereafter, they took the prosecutrix towards forest and committed forcible sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 09.12.2019.

7. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the main allegation is against co-accused and the prosecutrix (PW/3), in her Court statement, has not stated anything against the present applicant and turned hostile. He also submits that the applicant is in custody since 09.12.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
8. On the other hand, learned counsel for the State opposed the bail application.
9. I have heard learned counsel for the parties and perused the record.
10. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the main allegation is against co-accused, the present applicant is in custody since 09.12.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
11. Accordingly, the bail application is allowed.
12. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge