

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4932 of 2020**

- Tikeshwar Dahariya, S/o Anant Dahariya, Aged About 32 Years, R/o Village- Bara, Out Post- Lawan, P.S.- Kasdol, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through- S.H.O.- P.S.- Kasdol, District- Baloda-Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Adv.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.09.2020**

1. Heard on admission.
2. Admit.
3. Notice issued to the complainant/ informant has been served.
4. 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. 371/2019 registered at Police Station- Kasdol, District- Baloda-Bazar-Bhatapara, (C.G.) for the offence punishable under Section 376 of IPC and Section 4 of POCSO Act.
5. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix vide order dated 09.12.2019 passed in MCRC No. 5951/2019 by this Hon'ble Court.

6. The prosecution story, in brief is that, it has been alleged that the present applicant forcibly committed sexual intercourse with the prosecutrix. Based on this, offence has been registered. Present applicant has been taken into custody on 11.06.2019.
7. 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 charge-sheet has been filed. The applicant is in jail since 11.06.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
8. On the other hand, counsel for the State opposes the bail application submitting that the prosecutrix herself raised an objection regarding grant of bail to the applicant. It is submitted that there is an evidence of sexual intercourse in medical report, therefore, applicant did a very heinous crime and it is not a fit case to release him on bail.
9. I have heard learned counsel for the parties and perused the case diary.
10. 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.
11. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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