

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4587 of 2020**

- Anil Bande, S/o Suderam Bande, Aged about 20 years, R/o Village Khauli, PS Kharora, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through- SHO, PS- Kharora, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate.
 For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/09/2020**

1. 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. 291/2019 registered at Police Station- Kharora, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376(3), 34 of the IPC, 1860 and under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix and material witnesses by this Court on 06.01.2020 in MCRC No. 6510/2019.
3. As per the prosecution case in brief that the father of the prosecutrix namely Bhaglal Sonwani has lodged missing report against the unknown person before the police thereafter the police has registered FIR. During the course of investigation, the prosecutrix has recovered from the possession of the present applicant and the other co-accused.
4. 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 learned Court below has examined the prosecutrix in which the prosecutrix has not supported the version of prosecution and he also submits that the co-accused in the present case has already been granted bail by the Court below. He next submits that the applicant is in jail since 21.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail. Learned counsel for the applicant also submits that the trial Court may be directed to conclude the trial as early as possible.

5. On the other hand, counsel for the State opposes the bail application submitting that the present applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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.
8. Accordingly, his bail application filed under Section 439 of the Code of Criminal Procedure is dismissed however the trial Court is directed to conclude the trial as expeditiously as possible, preferably within a period of four months from the receipt of copy of this order.

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