

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4813 of 2020**

- Bipul Kushwaha S/o Kameshwar Kushwaha, aged about 27 years, R/o village Bhedami, Police Chowki Ganesh Mode, P.S. Balrampur, District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, P.S. Balrampur, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

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

1. Heard.
2. **Admit.**
3. 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.154/2019 registered at Police Station – Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 450, 376, 506, 323 IPC and Sections 3, 4, 5 and 6 of POCSO Act.
4. Earlier bail application of the applicant was dismissed as withdrawn.
5. The allegation against the present applicant is that on 19.07.2019 at about 10.00 pm, when the prosecutrix was sleeping along with her younger sister, the applicant came there, switched off the light and committed forcible sexual intercourse with her. When she resisted the act of the applicant, the applicant threatened to kill her. Based on this,

offence has been registered. The present applicant has been taken into custody on 21.07.2019.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case due to old dispute. He further submits that there is contradiction and omission in the statement of prosecutrix. He also submits that the applicant is in custody since 21.07.2019, 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. He also submits that the trial Court may be directed to conclude the trial as expeditiously as possible.
7. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the prosecutrix, in her Court statement, has categorically stated against the present applicant.
8. I have heard learned counsel for the parties and perused the record.
9. Considering the totality of the facts and circumstances of the case and further considering the quality of evidence, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected. However, the trial Court is directed to conclude the trial as expeditiously as possible, preferably within a period of three months.

Certified copy, as per rules.

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