

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5350 of 2020**

- Mahendra Kumar Verma S/o Shri Khomlal Verma, Aged About 21 Years R/o Akas Nagar Birgaon, Urla, Police Station Urla, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through- Station House Officer, Police Station Urla, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C. R. Sahu, Adv.
For Respondent/State	:	Mr. Rakesh Sahu, Dy. G.A.
For Objector	:	Ms. Monika Singh, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/11/2020**

1. Pursuant to order dated 01.09.2020 of this Court, father of the prosecutrix namely, Virendra Singh was present on 28.09.2020. On being asked, he was made his objection regarding grant of bail to the applicant.
2. 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. 344/2019 registered at Police Station Urla, District-Raipur (C.G.) for the offence punishable under Sections 363, 366, 376(3), 34 of IPC and 4, 6 of the Protection of Children From Sexual Offences Act.
3. The first bail application of the applicant was dismissed with liberty to revive the same after examination of prosecutrix by this Court on 25.02.2020 in MCRC No. 8201/2019.
4. The prosecution story in brief, is that, on 22.07.2019 at about 8.30 pm., the prosecutrix went to Dewangan Kirana Shop, where the another co-accused and the present applicant were already present, thereafter they took the prosecutrix by

motorcycle, the present applicant committed sexual intercourse with the prosecutrix at Pipe Plant Ground Kailash Nagar. Based on this offence has been registered against the present applicant and another co-accused and the present applicant arrested on 24.07.2019.

5. 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 prosecutrix was love affair with the present applicant and she has not raised objection during the course of incident, which clearly shows that the applicant has falsely implicated in this case. He also submits that the applicant is in jail since 27.07.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very serious offence, therefore, no case is made out to release the applicant on bail.
7. Learned counsel for the objector opposes the bail application and submits that the applicant did a very heinous crime, therefore, no case is made out to release the applicant on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. 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.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge