

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5126 of 2020**

- Toran Verma S/o Pakku Verma, aged about 24 year, R/o village Kulikasa, Police Station Chhuikhadan, District Rajnandgaon (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh Through : The Police Station Chhuikhadan District Rajnandgaon (C.G.)

**---- Respondent**


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| For Applicant  | : | Shri S.S. Baghel, Advocate |
| For Respondent | : | Shri Vimlesh Bajpai, G.A.  |

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**Hon'ble Smt Justice Rajani Dubey****Order on Board****14/09/2020**

1. 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.38/2019, registered at Police Station - Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506 IPC and Sections 4 & 6 of POCSO Act.
2. Earlier bail application of the applicant has been dismissed as withdrawn.
3. The allegation against the present applicant is that when the prosecutrix, aged about 15 years, went to answer the call of nature, the applicant caught hold the prosecutrix from behind and committed forcible sexual intercourse. Based on this, offence has been registered. The present applicant has been taken into custody on 11.02.2019.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the prosecutrix is a consenting party to the act of the applicant. He also submits that the applicant is ready to furnish adequate security and shall abide by all the directions and conditions, which may be imposed by this Hon'ble Court. He next submits that the applicant is in custody since 11.02.2019, 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.

5. On the other hand, learned counsel for the State opposed the bail application.
6. The complainant along with Prosecutrix present before this Court through video conferencing and submits that he has no objection if the applicant is granted bail.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 11.02.2019, 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.
9. Accordingly, the bail application is allowed.
10. 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