

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 702 of 2021**

1. M. Lochan Rao (mentioned as Lochan Rao in the order of learned Court below), aged about 36 years, son of Shri M. Mailesh Rao, R/o House No.131, Pump House, Ward No.10, Korba, District Korba (CG)

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

1. State of Chhattisgarh, through the Station House Officer, Police of Police Station Korba Kotwali, District Korba CG)
2. Shanti Bail Nirmalkar, wife of Govind Nirmalkar, aged about 45 years, presently R/o Rajatsar Sahu Chaal, P.S. Korba, Kotwali, District Korba (CG)

**---- Non-Applicant**

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| For Applicant     | : Shri Anil Gulati, Advocate.            |
| For Non-Applicant | : Shri Chandresh Shrivastava, Deputy AG. |

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**Proceeding Through Video Conferencing****Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board****09/07/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.134/2020 registered in Police Station: Korba Kotwali, District Korba for offence under Section 363, 342, 376 & 506/34 of the IPC and Section 6 of the POCSO Act.
2. This is the 3<sup>rd</sup> bail application on behalf of the applicant. The first bail application was dismissed with liberty to revive the prayer after examination of the prosecutrix and the second bail application was dismissed on 29.10.2020 when the prosecutrix was yet to be examined.
3. In her information to the police, the prosecutrix has stated that she was abducted and ravished by the two accused persons namely, the

present applicant M. Lochan Rao and co-accused Kuljeet Sahu. However, in her deposition recorded before the trial Court on 17.12.2020 (Annexure-A/4), she has made allegation only against Kuljeet Sahu while denying any sexual intercourse committed by the present applicant. Thus she is not supporting the prosecution in respect of allegation against the present applicant.

4. The applicant is in jail since 5.3.2020 i.e. for the last one year 4 months.
5. Learned State Counsel would inform that the concerned SHO has served copy of the bail application on the complainant. However, no appearance has been made on behalf of the complainant.
6. Considering the entire fact situation of the case, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-  
(Prashant Kumar Mishra)  
**Acting Chief Justice**

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