

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 419 of 2021**

- Dara Ratre S/o Moti Ratre Aged About 23 Years R/o Kanhabhaira, Police Station Pipariya, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Arakshi Center Bodla, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Basant Dewangan, Adv.
For Respondent/State	:	Mr. Rakesh Sahu, Dy. G.A.
For Objector	:	Mr. Hari Om Rai, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/02/2021**

1. Pursuance to order dated 21.01.2021 of this Court, father of the prosecutrix namely, Nand Kumar Sonwani S/o Surit Sonwani is present today. On being asked, he has made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. 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. 110/2019 registered at Police Station – Kabirdham, District-Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 3 and 4 of the Protection of Children from Sexual Offences Act.
4. The first bail application of the applicant was dismissed by this Court on 03.03.2020 in MCRC No. 1084/2020.
5. As per prosecution case, the applicant took away the prosecutrix in his motorcycle on the pretext of marriage and roamed to several places and subjected her to rape. Based

on this offence has been registered and has been taken into custody on 15.06.2019.

6. 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 charge-sheet has been filed and most of the material witnesses have been examined by the prosecution, all the evidence produced by the prosecution states that the applicant has been wrongly implicated in the case. He next submits that the applicant is in jail since 15.06.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
7. On the other hand, learned counsel for the State opposing the bail application.
8. Learned counsel for the objector opposes the bail application and submits that the applicant did a very heinous offence, the applicant took away the minor girl and on pretext of marriage committed sexual intercourse with the prosecutrix, therefore, the present applicant may not be enlarged on bail.
9. I have heard learned counsel for the parties and perused the case diary.
10. Considering the facts and circumstances of the case, gravity of offence, and further considering the quality of evidence in question, particularly considering the case-diary it comes in the light that applicant did a serious crime of rape, thus, at this stage, I am not inclined to release him on bail.
11. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of six months from the date of receipt of copy of this order.

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