

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 744 of 2021**

- Rohit Kumar Dubey, S/o Ganeshu, Aged About 20 Years, R/o Village Nadi Chowk Bakharupara Narayanpur Police Station & District Narayanpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station Narayanpur, District Narayanpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kamlesh Kumar Pandey, Adv.
For Respondent/State	: Mr. Ishwar Jaiswal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.08.2021**

1. Heard.
2. Pursuant to the order dated 12.07.2021 of this Court, prosecutrix is connected from DLSA, Narayanpur (C.G.). On being asked, she made no objection regarding grant of bail to the applicant.
3. Her presence be marked.
4. 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. 47/2019 registered at Police Station- Narayanpur, District -Narayanpur (C.G.) for the offence punishable under Section 376 of IPC and Section 4, 6 of the POCSO Act, 2012.
5. Earlier, the first bail application of the applicant was dismissed as withdrawn vide order dated 16.03.2020

passed in MCRC No. 6725/2019.

6. The prosecution story, in brief is that, a written report was lodged by the complainant Sonuram Salam alleging that the present applicant has been committed sexual intercourse with the prosecutrix from 2017 to 2019. Thereafter, offence has been registered against the present applicant and he has been taken into custody on 16.03.2019.
7. 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 prosecutrix has no objection regarding grant of bail to the applicant. He next added that on 05.04.2018, marriage of the prosecutrix has been solemnized with Bhagat Kuldeep and out of their wedlock, a girl child was born on 02.07.2020 and the relevant documents have been annexed therein. The applicant is in jail since 16.03.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
8. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
9. I have heard learned counsel for the parties and perused the records.
10. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix has no objection regarding grant of bail to the applicant. The applicant is in jail since 16.03.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the

application is allowed.

11. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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

R/-