

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1228 of 2021**

- Bhupendra alias Bhurru, S/o late Ram Bhagat Kewat, aged about 24 years, R/o village Turregarh, P.S.- Dongargaon, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : SHO, P.S. Dongargaon, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri Gopal Swaroop Gupta, Adv.
For Respondent	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/03/2021**

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.90/2019, registered at Police Station - Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506, 450 IPC, Sections 6 & 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity), Act.
2. First bail application of the applicant was dismissed as withdrawn.
3. The allegation against the present applicant is that he entered the house of prosecutrix and committed forcible sexual intercourse. It has been alleged that a child is also born out of the incident. Based on this, offence has been registered. The present applicant has been taken

into custody on 23.02.2019.

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 as well as complainant have not supported the case of the prosecution and turned hostile. It is next submitted that the applicant is in custody since 23.02.2019 and looking to the detention period of the applicant, he may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
6. Complainant Smt. Mayabai Kunjam is also present before this Court and submits that she has no objection if the applicant is enlarged on bail.
7. I have heard learned counsel for the parties and perused the case diary.
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 23.02.2019, without further commenting on merits of the case, I am inclined to release him 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 concerned trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge