

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1421 of 2021**

- Uttam Sinha S/o Govind Ram Sinha, Aged About 25 Years By Caste Kalar, R/o Village Barkachar, Tahsil And Thana Charama, District. Uttar Baster Kanker Chhattisgarh.

---- Applicant**Versus**

- The State of Chhattisgarh Through Police Station Charama, District. U.B. Kanker Chhattisgarh.

---- Respondent

For Applicant. : Mr. Parag Kotecha, Advocate.
 For Respondent/State : Ms. A. S. Chauhan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.03.2021**

Heard.

Admit.

On 24.02.2021, a notice was sent to the informant/complainant to appear before the Court on 25.03.2021. Today, no one is present on behalf of the complainant.

The accused/applicant has moved this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 233/2019 registered at Police Station - Charama, District U.B. Kanker (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC, Sections 3 & 4 of the POCSO Act and Sections 3(1)(b) & 3(2)(V a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The first bail application of the applicant was dismissed as withdrawn on 23.09.2020 passed in MCRC No. 6428/2020 and a liberty was given to the applicant to file an appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 before the appropriate Bench.

As per the prosecution case, the allegation against the present applicant is that he has committed the offence of forcible sexual intercourse with the minor girl who belongs to the reserved category. After completion of investigation, offence has been registered against the applicant.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further contended that before the trial Court, prosecutrix has not supported the prosecution case and stated nothing against the present applicant. The applicant has been arrested only on the basis of suspicion. He further submits that applicant is in jail since 11.01.2020 and he ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

Per contra, learned counsel appearing on behalf of the State opposes the bail application.

I have heard learned Counsel for the parties.

Considering the facts and circumstances of the case, the detention period of the applicant, and further considering that as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

Accordingly, the bail application is allowed.

It is directed that the applicant shall be released on bail on

executing a personal bond for a sum of Rs. 25,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

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