

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1376 of 2021**

- Santosh Kumar Gupta S/o Shivcharan Gupta Aged About 54 Years R/o Shanti Nagar, Lailunga, Police Station And Tehsil Lailunga, District Raigarh Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Lailunga, District Raigarh Chhattisgarh.

---- Respondent

For Applicant. : Mr. Manoj Paranjpe, Advocate.
 For Respondent/State : Ms. Ishwari Ghritlahre, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.03.2021**

Heard.

Admit.

Pursuant to the order dated 24.02.2021, complainant/prosecutrix with her mother is present today before this Court. On being asked, she made her objection regarding the grant of bail of the applicant.

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. 260/2019 registered at Police Station – Lailunga, District Raigarh (C.G.) for the offence punishable under Sections 363, 366-A, 376-D, 506, 102-B of the IPC, Section 6 of the POCSO Act and Sections 3(1)B & 3(2)V 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The first bail application of the applicant was dismissed as withdrawn on 23.09.2020 passed in MCRC No. 5190/2020 and a liberty was given to the applicant to file an appeal under Section 14-A of the Scheduled Castes and Scheduled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 along with co-accused persons namely Sanjay Paikra and Pushtam Yadav has committed the offence of forcible sexual intercourse with the minor girl, belonging to the Scheduled Tribes. After completion of investigation, offence has been registered against the applicant.

Learned counsel for the applicant submits that the applicant is a driver of School Van aged about 54 year and due to the village politics he has been falsely been implicated. As per the prosecution case the prosecutrix left the house on 17.11.2019 in the morning and was recovered on 18.11.2019 and during the said period no missing report was lodged by her parents which raise serious doubt about the crime in question. He next added that the applicant is in jail since 25.11.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

Per contra, State counsel opposes the bail application.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature and gravity of the case and particularly the fact that the complainant and her mother made her objection regarding the bail of the applicant, at this stage, I am not inclined to release him on bail.

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 this order.

Certified copy as per rules.

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