

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1514 of 2021**

- Teman Lal Sahu, S/o Khuman Sahu, Aged About 21 Years, R/o Village Ghursa Police Station- Panduka, District- Gariyaband Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer Police Station- Panduka District- Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. K.K. Pandey, Adv.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.03.2021**

1. Pursuant to the order dated 25.02.2021 of this Court, prosecutrix along with her mother is present today. She has made no objection regarding grant of bail to the applicant.
2. Her 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. 02/2019 registered at Police Station- Panduka District- Gariyaband (C.G.) for the offence punishable under Sections 376 (2) (a) of IPC, Section 6 of the POCSO Act and Section 3(2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
4. Earlier, the first bail application of the applicant was dismissed as withdrawn.
5. The prosecution story, in brief is that, it has been alleged that on the pretext of marriage, applicant has committed sexual intercourse on several times with the prosecutrix since last 3

years. Thereafter, offence has been registered against the present applicant and he has been taken into custody on 02.01.2019.

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 prosecutrix has no objection regarding grant of bail to the applicant and the applicant is in jail since 02.01.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. 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.
8. I have heard learned counsel for the parties and perused the records.
9. 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 02.01.2019 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.
10. 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