

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1504 of 2021**

- Rishabh Pawar S/o Kuldeep Pawar Aged About 25 Years Caste-Rajput, R/o Ward No. 3, Bhatgaon, Police Station Bhatgaon, District-Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Bhatgaon, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. K. K. Dewangan, Advocate.
 For Respondent/State : Ms. Anjali Singh Chouhan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/02/2021**

Heard.

Admit.

1. 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. 196/2019 registered at Police Station – Bhatgaon, District - Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC & of Protection of Children from Sexual Offences Act and 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to file an appeal under Section 14-A of SC/ST Act before the appropriate bench by this Court on 29.09.2020 in MCRC No. 5786/2020.
3. The prosecution story, in brief is that, the applicant abducted the prosecutrix from her lawful guardian and detained her, during course of detention applicant committed sexual intercourse with the prosecutrix. Based on this, offence has

been registered against the present applicant and arrested on 28.12.2019.

4. 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 looking to the material collected by the prosecution and the conduct of prosecutrix, it is evident that the prosecutrix is willing and consenting party, therefore, the alleged offences are not made out against the applicant. He also submits that the applicant is in jail since 28.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and submits that the applicant committed a serious offence, therefore, no case is made out to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the applicant is in jail since 28.12.2019 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.
8. 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**