

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2498 of 2021**

1. Naseem Khan, son of Shri Aalam Khan, aged about 25 years, resident of Village Timkitola, PS and Tahsil Lanji, District Balaghat (MP)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gatapar Jangle, District Rajnandgaon (CG)

---- Non-Applicant

For Applicant : Shri Ashok Dixit, Advocate.
For Non-Applicant : Shri Chandresh Shrivastava, Deputy AG.
For Prosecutrix : None for prosecutrix though served.

Proceeding Through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag CJ

Order On Board

29/07/2021 :

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.28/2020 registered in Police Station: Gatapar Jangle District Rajnandgaon for offence under Section 376 & 506 of the IPC and Section 5 (ठ) & 6 of the POCSO Act.
2. This is the 3rd bail application under Section 439 of the CrPC. The first bail application was dismissed with liberty to revive the prayer after examination of the prosecutrix and the second bail application has been dismissed for want of prosecution and now the prosecutrix has been examined.

3. Although the prosecutrix is aged about 15 years & 9 months on the date she was subjected to forcible sexual intercourse by the unknown person, the fact remains that when examined in the Court, the prosecutrix has not named the applicant as culprit and moreover, she admits that she identified the present applicant during TI parade, as the police personnel had told her to do so.
4. Prosecutrix has not entered appearance despite service of notice.
5. Considering that the applicant is in jail since 21.7.2020 i.e. for more than a year and the prosecutrix has already been examined, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one **local** surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice