

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5371 of 2021**

- Santosh Chouhan S/o Shri Chottelal Chouhan, Aged About 25 Years, R/o Dewangan Para, Kawardha, P.S- Kawardha, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police of Police Station- Kawardha, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. None
For Respondent/State	:	Ms. Shubha Shrivastava, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.08.2021**

No one appeared for applicant even in second round, nor any representation has been filed on behalf of applicant. In absence of any representation on behalf of the applicant, this Court deems it appropriate to decide the bail application on merit.

Pursuant to the order dated 28.07.2021, complainant Kanhaiya Yadav is present today though video conferencing from Help Desk at District Court, Kabirdham. On being asked, he made his objection regarding the grant of bail of the applicant.

The accused/applicant has moved this **third Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 382/2019 registered at Police Station – Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 376 of the IPC and Sections 5(D)

& 6 of the POCSO Act.

The second bail application of the applicant was dismissed as withdrawn on 27.01.2021 passed in MCRC No. 4987/2020.

As per the prosecution case, the allegation against the present applicant is that he has committed forceful sexual intercourse upon a minor girl/prosecutrix. After completion of investigation, offence has been registered against the applicant.

Learned State counsel opposes the bail application.

I have heard learned counsel for the state as well as complainant and perused the case diary.

Considering the totality of the facts and circumstances of the case and particularly the objection of the complainant 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.

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