

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4627 of 2020**

- Navin Sahu, S/o Late Shri Dhanu Sahu, Aged About 45 Years, Caste- Kolta, Occupation- Labourer, R/o- Nanakpali, P.S.- Basna, District- Mahasamund, (C.G.).

**---- Applicant****Versus**

- State Of Chhattisgarh, Through SHO, P.S.- Basna, District- Mahasamund, (C.G.).

**---- Respondent**


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| For Applicant        | : Mr. Achyut Tiwari, Adv.   |
| For Complainant      | : Mr. H.S. Patel, Adv.      |
| For Respondent/State | : Mr. Anand Verma, Dy. G.A. |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****08.01.2021**

1. 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. 271/2018 registered at Police Station- Basna, District- Mahasamund, (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of IPC & 4, 6 of POCSO Act.
2. The first bail application of the applicant was dismissed vide order dated 19.12.2019 passed in MCRC No. 6277/2019 by this Hon'ble Court.
3. The prosecution story, in brief is that, the mother of the prosecutrix lodged a report alleging that the present applicant along with other co-accused Vrindavati kidnapped her daughter and on the pretext of marriage, applicant committed sexual intercourse with her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 prosecutrix and her mother have filed their affidavits in support of granting bail to the applicant. He next added that other co-accused person has been granted bail in MCRC No. 4202/2019. The applicant is in jail since 12.07.2018, 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 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.
6. Learned counsel for the complainant has no objection regarding grant of bail to the applicant.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix and her mother have filed their affidavits in support of granting bail to the applicant and other co-accused person has been granted bail in MCRC No. 4202/2019. The applicant is in jail since 12.07.2018 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.
9. 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**

Ruchi