

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5654 of 2020**

- Mohan Kawasi, S/o Mitoo, Aged About 25 Years, R/o Irlabhatha Para, Magnar, Police Station- Darbha, District- Bastar Chhattisgarh.

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

- State of Chhattisgarh, Through - The Station House Officer, Police Station- Darbha, District- Bastar Chhattisgarh.

**---- Respondent**

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| For Applicant        | : | Mr. Ashok Kumar Komra, Adv. |
| For Respondent/State | : | Mr. Sameer Uraon, G.A.      |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****28.01.2021**

1. Pursuant to the order dated 08.01.2021 of this Court, informant/complainant namely Mahadev Nag is present today. On being asked, he has made no objection regarding grant of bail to the applicant.
2. 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. 10/2019 registered at Police Station- Darbha, District- Bastar, (C.G.) for the offence punishable under Sections 363, 376, 109 & 506 of IPC and Section 4 of POCSO Act, 2012.
3. The first bail application of the applicant was dismissed vide order dated 25.02.2020 passed in MCRC No. 8030/2019 by this Hon'ble Court.
4. The prosecution story, in brief is that, the present applicant with the help of other co-accused person, committed sexual intercourse with the prosecutrix. Based on this, offence has been

registered. Present applicant has been taken into custody on 17.03.2019.

5. 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 other co-accused has been granted bail in MCRC No. 8049/2019 and the applicant is in jail since 17.03.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application submitting that main allegation is against the present applicant and the offence committed by the applicant, is of serious in nature, therefore, it is not a fit case to release him on bail.
7. I have heard learned counsel for the parties and material available on record.
8. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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

Ruchi