

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5606 of 2021**

- Sohrab Ali S/o Shri Jumman Ali Aged About 19 Years, R/o Near Gafur Masjid, Moudhapara, P.S. Moudhapara Raipur, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through: The Police Station Mana Camp, Raipur, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sharad Prakash Yadav, Advocate.
 For Respondent/State : Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/09/2021**

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. 48/2020 registered at Police Station - Mana Camp, Raipur, District - Raipur (C.G.) for the offence punishable under Sections 377, 34 of the IPC.
2. On 29.09.2020, the first bail application of the applicant was dismissed by this Court.
3. As per the prosecution case, the allegation against the present applicant, who is a prisoner at the Child Protection Home at Mana Raipur, is that he along with other co-accused persons had committed an unnatural offence over the victim Rohit Korwa and tortured him both physically and mentally. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
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 complainant Rohit Korwa has turned hostile and has not supported the case of the prosecution before trial Court. He also submits that the applicant is in jail since 16.05.2020, 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 along with other co-accused persons tortured the victim in cruel manner, therefore, the applicant may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and situation of the case, taking into consideration that the complainant has not supported the prosecution case before the trial Court and that the applicant is in custody since 16.05.2020, 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**