

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6529 of 2020**

- Vinod Kumar Dhruv, S/o Late Lomesh Kumar Dhruv, Aged About 22 Years, R/o Village Nawagaon, Post- Dhorabhata, Police Station- Magarlod, Tahsil Magarlod, District- Dhamtari Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through; The Station House Officer, Police Station- Magarlod, District- Dhamtari Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Adv.
For Respondent/State	:	Mr. Sameer Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.02.2021**

1. Pursuant to the order dated 20.01.2021 of this Court, prosecutrix with her father is connected today through video conferencing from DLSA, Dhamtari. On being asked, she raised her 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. 242/2019 registered at Police Station- Magarlod, District- Dhamtari, (C.G.) for the offence punishable under Sections 376, 456, 506, 363 r/w 34 of IPC and Section 4, 6, 17 of POCSO Act, and Section 3 (2) (5) of SC/ST (Prevention of Atrocities) Act.
3. The first bail application of the applicant was dismissed as

withdrawn vide order dated 02.01.2020 passed in MCRC No. 6905/2019 by this Court.

4. The prosecution story, in brief is that, in the intervening night of 01-02.09.2019, present applicant abducted the prosecutrix and took her to Dhourabhatha and committed sexual intercourse with her. Based on this, offence has been registered. Present applicant has been taken into custody on 04.09.2019.
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 the applicant is in jail since 04.09.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application submitting that prosecutrix is minor girl and offence committed by the applicant is of serious in nature and he did a very heinous crime and it is not a fit case to release him on bail.
7. I have heard learned counsel for the parties and perused the 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**