

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6374 of 2020**

- Soukhi Das, aged about 38 years, S/o Late Shri Chanhoo Das Manikpuri, R/o current address- Dhuru, Permanent Address- Village Birkoni, P. S. Akaltara, District Janjgir Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through the Station House officer, Police Station Sakri, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. Rajeev Dubey, Advocate.
For Respondent/State	:	Mr. Roshan Dubey, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.01.2021**

Heard.

Admit.

Also, heard on I.A. No. 03/2020, application for extension of ad-interim bail.

The applicant has been granted temporary bail by this Court vide order dated 25.09.2020 and he was directed to surrender before the trial court on 27.10.2020 at 11.00 AM but till date he has not surrendered himself before the trial Court.

Learned counsel for the applicant submits that due to ailment the applicant could not surrender himself before the Court below in time.

Upon due consideration, this Court do not find any sufficient

ground for extension of ad-interim bail.

Accordingly, I.A. No. 03/2020 is rejected.

The applicant has filed **Third Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 342/2019 registered at Police Station : Sakri, Bilaspur (C.G.) for the offence punishable under Sections 363, 366-A, 376 of the I.P.C. and Section 4 & 6 of the POCSO Act.

The earlier bail applications of the applicant were rejected by this Court.

The allegation against the present applicant is that he committed forcible sexual intercourse with the prosecutrix many times.

Learned counsel for the applicants submits that the applicant has been falsely implicated in the crime in question. He further submits that the evidence collected by the prosecution are also not prima facie sufficient to hold the applicant guilty of the aforesaid offenses. The applicant is in jail since 23.11.2019, and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

On the other hand, State counsel opposing the bail application submits that looking to the nature and gravity of the crime and age of the prosecutrix, he may not be granted bail.

I have heard learned counsel for the parties and perused the record.

After rejection of his second bail application on merit, I do not find any change in circumstances, therefore, no case is made out for grant of bail.

Accordingly, third bail application filed under Section 439 of the Code of Criminal Procedure is rejected.

I.A., if any, stands disposed of.

Copy of this order be immediately sent to the concerned trial Court for further proceeding.

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

Vijay Sahu