

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7091 of 2020**

1. Tirru @ Tirat Ram @ Tirath Dhanwar, S/o Shri Jodhi Ram Dhanwar, Aged About 25 Years, R/o Saraipali, P.S. Balconagar, District- Korba (Chhattisgarh).
2. Jintho Singh Gada, S/o Bandhan Singh Gada, Aged About 22 Years, R/o Saraipali, P.S.- Balconagar, District- Korba (Chhattisgarh).

---- Applicants**Versus**

- State of Chhattisgarh Through: Police Station Balconagar, District- Korba (Chhattisgarh).

---- Respondent

For Applicants	:	Mr. Ashutosh Shukla, Adv.
For Respondent/State	:	Mr. Anand Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.01.2021**

1. The accused/applicants have moved this second bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 211/2019 registered at Police Station- Balconagar, District- Korba (C.G.) for the offence punishable under Sections 363, 376, 506, 34 of IPC & Section 4 of POCSO Act, 2012.
2. The first bail application of the applicants was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix vide order dated 14.01.2020 passed in MCRC No. 7464/2019.
3. The prosecution story, in brief is that, applicant took the prosecutrix to nearby jungle and the applicant No. 1 namely Tirru @ Tirath Ram had committed rape with her and the applicant No. 2 namely Jintho Singh Gada helped the applicant in

committing rape of the prosecutrix. Based on this, offence has been registered against the present applicants.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the charge-sheet has been filed. The applicants are in jail since 28.06.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the prosecutrix has supported the prosecution story and applicants did a very heinous crime and it is not a fit case to release them on bail.
6. I have heard learned counsel for the parties and perused the record.
7. 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 them on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.
9. It is directed that the trial Court shall conclude the trial as early as possible preferably within a period of four months.

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