

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6348 of 2021**

- Soukhi Das, S/o Late Chanhoo Das Manikpuri, Aged About 40 Years, R/o Current Address Dhuru, Parmanent Address Village Birkoni, Police Station Akaltara, District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Rajendra Kumar Patel, Adv.
For Respondent/State	: Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.09.2021**

1. Pursuant to the order dated 23.08.2021 of this Court, complainant (father of the prosecutrix) is present before this Court. On being asked, he made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. The accused/applicant has moved this **fifth bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 342/2019 registered at Police Station- Sakri, District 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.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of the prosecutrix vide order dated 03.03.2020 passed in MCRC No. 8169/2019 by this Court.
5. The second & third bail applications of the applicant were

rejected on 14.08.2020 & 14.01.2021 respectively by this Court.

6. The fourth bail application was dismissed as withdrawn on 12.07.2021.
7. As per the prosecution case, the allegation against the applicant is that he committed forcible sexual intercourse with the prosecutrix many times. Based on this, offence has been registered. Present applicant has been taken into custody on 23.11.2019.
8. 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 applicant is in jail since 23.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
9. On the other hand, counsel for the State opposes the bail application submitting that there is a specific allegation of rape against the applicant and the offence committed by the applicant is of serious in nature, therefore, he may not be granted bail.
10. I have heard learned counsel for the parties and perused the record.
11. Considering the totality of the facts and circumstances of the case, nature of evidence adduced by the prosecution against the applicant, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
12. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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