

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7453 of 2020**

- Ishwar Nishad @ Nishu @ Ishu, S/o Hiranman Nishad, Aged About 20 Years, R/o Mathpuraina, Shiv Nagar, P.S. Tikrapara, District- Raipur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station- Tikrapara, District -Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.P. Sahu, Adv.
For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.02.2021**

1. Pursuant to the order dated 29.01.2021 of this Court, prosecutrix along with her mother is present today. She has filed an affidavit and made no objection regarding grant of bail to the applicant.
2. Her presence be marked.
3. 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. 461/2019 registered at Police Station- Tikrapara, District -Raipur (C.G.) for the offence punishable under Sections 376 (2) (a), 506 of IPC and Section 3, 4 of the POCSO Act, 2012.
4. Earlier, the first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses vide order dated 16.12.2019 passed in MCRC No. 6231/2019.
5. The prosecution story, in brief is that, it has been alleged that the present applicant has made sexual intercourse with the prosecutrix and also threatened her. Thereafter, offence has

been registered against the present applicant and he has been taken into custody on 23.07.2019.

6. 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 prosecutrix and her mother have no objection regarding grant of bail to the applicant and the applicant is in jail since 23.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the records.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix and her mother have no objection regarding grant of bail to the applicant. The applicant is in jail since 23.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
10. 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