

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8158 of 2020**

- Sagar @ Dhananjay Kashyap, S/o Panchram Kashyap, Aged About 21 Years, R/o Village- Piparkhuta, Police Station- Lalpur, District- Mungeli, Chhattisgarh, Present Address- Bombay Awad, Qr. No. 30/3, Deonagar, Police Station- Koni, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police House Officer, Police Station- Koni, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. V.K. Pandey, Adv.
For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31.03.2021**

1. Pursuant to the order dated 10.03.2021 of this Court, informant/ complainant is present today. He made no 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. 144/2019 registered at Police Station- Koni, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC & Section 6 of the POCSO Act, 2012.
3. Earlier, the first bail application of the applicant was rejected vide order dated 12.02.2020 passed in MCRC No. 7400/2019.
4. The prosecution story, in brief is that, it has been alleged that the applicant allured the prosecutrix and took her along with him on the false pretext of marriage and committed forcible sexual intercourse with her. During the course of investigation, prosecutrix recovered from the possession of the applicant.

Thereafter, offence has been registered against the present applicant and he has been taken into custody.

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 prosecutrix has been examined before trial Court and she is a consenting party. He next added that the applicant is in jail since 15.05.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. 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.
7. I have heard learned counsel for the parties and perused the records.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the father of the prosecutrix has no objection regarding grant of bail to the applicant. The applicant is in jail since 15.05.2019 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.
9. 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