

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8397 of 2020**

- Balla Pathe S/o Tihari Pathe Aged About 35 Years R/o Village Atariya, Out Post Damapur, Police Station Kunda, District Kabirdham Chhattisgarh.

---- Applicant

**Versus**

- State of Chhattisgarh Through Station House Officer, Out Post Damapur, Police Station Kunda, District Kabirdham, Chhattisgarh.

---- Respondent

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For Applicant. : Mr. Curtis Collins, Advocate.  
 For Respondent/State : Mr. Roshan Dubey, PL

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

1. Heard.
2. Admit.
3. Pursuant to the order dated 11.12.2020, complainant/father of the prosecutrix Balram Tondon is present today before this Court. On being asked, he made his objection regarding the grant of bail of the applicant.
4. The accused/applicant has moved this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 94/2019 registered at Police Station – Out Post Damapur, Police Station Kunda, Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 3 & 4 of POCSO Act.
5. The first bail application of the applicant was dismissed as withdrawn on 05.11.2019 passed in MCRC No. 3545/2019 and a liberty was given to the applicant to revive the same after examination of prosecutrix and material witnesses.

6. As per the prosecution case, the allegation against the present applicant is that he persuaded the prosecutrix, took her different places with him and on the pretext of marriage committed sexual intercourse with her. After completion of investigation, offence has been registered against the applicant.
7. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that the applicant is a very close acquaintance of the prosecutrix and prosecutrix herself went with the applicant in search of some work with the consent of her parents. He next added that the applicant is in jail since 29.04.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
8. Per contra, State counsel opposes the bail application.
9. I have heard learned counsel for the parties and perused the case diary.
10. Considering the totality of the facts and circumstances of the case, nature and gravity of the case and particularly the fact that the complainant made his objection regarding the bail of the applicant, at this stage, I am not inclined to release him on bail.
11. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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

Vijay Sahu