

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8054 of 2020**

- Chandrashekhar Dugga, S/o Mansaram, Aged About 23 Years, R/o Village Pungarpal, Police Station- Adka, District- Narayanpur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Vivek Mishra, Adv.
For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.

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

1. Notice issued to the complainant/informant is still awaited.
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. 29/2019 registered at Police Station- Narayanpur, District- Narayanpur, (C.G.) for the offence punishable under Sections 363, 366-A, 376 of IPC and Section 4 & 6 of POCSO Act.
3. Earlier, the first bail application of the applicant was dismissed as withdrawn with liberty to file the same at an appropriate stage vide order dated 20.12.2019 passed in MCRC No. 5342/2019 by this Court.
4. The prosecution story, in brief is that, on 17.02.2019, a written report has been lodged by the sister of the prosecutrix alleging that the applicant took the prosecutrix along with him to his village on the pretext of marriage and committed sexual intercourse and as a result of which, she became pregnant. Thereafter, offence has been registered against the present

applicant.

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 the trial Court and categorically stated that she is the wife of applicant and she has no objection regarding grant of bail to the applicant. The applicant is in jail since 06.03.2019, 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 record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix has no objection regarding grant of bail to the applicant. The applicant is in jail since 06.03.2019 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**