

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8796 of 2021**

- Aes Kumar Verma S/o Prahlad Verma, aged about 21 years, R/o House No. 184, Ram nagar, Ward No.9, village & Police Station Suhela, District Baloda Bazar - Bhatapara (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : SHO, P.S. Suhela, District Baloda Bazar - Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. H.A.P.S. Bhatia, Advocate appears on behalf of Mr. Anil Gulati, Advocate.
For Respondent	:	Mr. Sushil Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/12/2021**

1. The applicant has preferred this **second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.119/2020, registered at Police Station - Suhela, District Baloda Bazar - Bhatapara (C.G.) for the offence punishable under Sections 376, 506 read with section 34 IPC, Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity), Act.
2. Earlier bail application of the applicant was dismissed as

withdrawn.

3. The allegation against the present applicant is that he established the physical relationship with the prosecutrix threatening her that he would make her obscene photo viral, which was available with him. Based on this, offence has been registered. The present applicant has been taken into custody on 16.07.2020.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix has not supported the case of the prosecution and turned hostile. It is next submitted that the applicant is in custody since 16.07.2020, charge sheet has been filed and looking to the detention period of the applicant, he may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
6. Prosecutrix is also present before this Court via video conferencing through DLSA, Baloda Bazar and submits that she has no objection if the applicant is enlarged on bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the

statement of the prosecutrix who has not supported the case of the prosecution, without further commenting on merits of the case, I am inclined to release him on bail.

9. Accordingly, the bail application is allowed.
10. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde