

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1777 of 2023**

- Gulzar Banjare S/o. Shukla Banjare, Aged About 20 Years R/o. Village Kakrel, Thana Somani, Rajnandgaon, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

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

---- Non-Applicant

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| For the Applicant | : | Mr. Arvind Prasad, Advocate |
| For Non-Applicant | : | Mr. Jitendra Shukla, P. L. |

Hon'ble Shri Justice Sachin Singh Rajput**Order On Board****31.03.2023**

1. The applicant has preferred the second bail application under Section 439 of CrPC for grant of regular bail as he is in jail since 18.02.2022 in connection with Crime No.32/2022 registered at Police Station- Somani, District- Rajnandgaon (C.G.) for the offence punishable under Section 376 (2) (n) of IPC and Section 6 of POCSO Act. His first bail application was dismissed as withdrawn with liberty to revive after examination of prosecutrix and material witnesses passed in MCRC No.4314 of 2022 vide order dated 13.07.2022.
2. The case of prosecution in brief, is that the father of the victim/complainant lodged a report alleging that the applicant has committed sexual intercourse with the victim, therefore, on the basis of said report, Police has registered the said offence against the applicant.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in this case. He further submits that the victim (PW-1) and her father (PW-2) have been examined before trial Court and they have not supported the case of the prosecution, that the applicant is in jail since 18.02.2022, trial is not concluded as yet and the applicant is ready to abide by all terms and conditions imposed by this Court, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application and submits that looking to the nature of allegations, his application may be

rejected.

5. Parents of the victim appeared through VC and objected for grant of bail to the applicant.
6. I have heard learned counsel for the parties and considered their rival submissions.
7. Considering the totality of the facts and circumstances of the case, looking to the nature of allegations, statement of victim and her father recorded before trial Court, detention period, trial may take some time, I am inclined to allow this bail application.
8. Accordingly, the bail application filed by applicant is **allowed** and it is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial Court, till disposal of the trial.
9. It is made clear that the observations made hereinabove is only for the purpose of deciding the bail application and the trial Court will decide the case on its own merit without being influenced by any observation made hereinabove. It is made clear that the applicant shall not meet with any of the prosecution witnesses till trial is concluded. It is also made clear that the trial Court is at liberty to cancel the bail application of the applicant in the event of applicant involving himself in similar offence in future and violate if any of the conditions.
10. Certified copy as per rules.

Sd/-

(Sachin Singh Rajput)

Judge