

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5872 of 2019**

- Nilesh Kumar Sonwani S/o Shri Manoj Kumar Sonwani, aged about 22 years, R/o village Nawagaon, Police Station Mandir Hasoud, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Mandir Hasoud, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Rekhraj Baghel, Advocate
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/11/2019**

1. The applicant has preferred this first 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.115/2019, registered at Police Station – Mandir Hasoud, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 3 & 4 of POCSO Act.
2. The allegation against the present applicant is that he committed forcible sexual intercourse with the prosecutrix on the pretext of marriage. Based on this, offence has been registered against the applicant. The applicant has been taken into custody on 20.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that in 164 CrPC statement, the prosecutrix has not stated anything about the incident. He also submits that the applicant is in custody since 20.08.2019 and there is

no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicant is in custody since 20.08.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. 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 trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge