

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3864 of 2020**

- Rammilan Sonwani, S/o Sajeevan Sonwani, Aged About 25 Years, R/o Gangpur, P.S. - Guarela, District- Bilaspur (C.G.) (now District- Gaurela Pendra Marwahi).

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Gaurela, District- Bilaspur (C.G.) (now District- Gaurela Pendra Marwahi).

---- Respondent

For Applicant	: Mr. Ashok Soni, Adv.
For Respondent/State	: Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.08.2020**

1. Heard on admission.
2. Admit.
3. 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. 204/2019 registered at Police Station- Gaurela, District- Bilaspur (C.G.) (now District- Gaurela Pendra Marwahi) for the offence punishable under Sections 450, 376, 34 of IPC.
4. The first bail application of the applicant was dismissed as withdrawn filed on behalf of the applicant vide order dated 20.01.2020 by this Hon'ble Court.
5. The prosecution story, in brief is that, on 25.07.2019, prosecutrix lodged a report against the applicant stating that on 25.05.2019, at about 11.00 P.M., the present applicant along with other co-accused person entered the house of the prosecutrix and forcibly took her

under Banyan tree near pond and committed sexual intercourse with her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

6. 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 the prosecutrix is a major lady and no injury has been found in the medical report of the prosecutrix. The applicant is in jail since 26.07.2019 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegation against him is of serious in nature, therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the prosecutrix is a major lady and no injury has been found in the medical report of the prosecutrix. The applicant is in jail since 26.07.2019 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.
10. 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