

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6410 of 2020**

- Bhakt Prahlad @ Ankit Sonwani, S/o Narayan Sonwani, Aged About 26 Years, R/o Bindranawagarh, Police Station- Mainpur, District- Gariyaband (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through Police Station- Chhura, District- Gariyaband (C. G.).

---- Respondent

For Applicant	:	Mr. Mohammad Afroz Athar, Adv.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.09.2020**

1. The matter is heard through video conferencing.
2. Heard on admission.
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. 22/2018 registered at Police Station- Chhura, District- Gariyaband (C.G.) for the offence punishable under Sections 365, 342, 295, 506, 323, 363, 366, 376(2)(ढ) of IPC & Section 4, 6 of POCSO Act.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix vide order dated 25.02.2020 passed in MCRC No.8061/2019.
5. The prosecution story, in brief is that, the present applicant

forcefully committed sexual intercourse with the prosecutrix. Based on this, offence has been registered. Present applicant has been taken into custody on 26.08.2019.

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 prosecutrix has been examined and her statement is not credible. He next added that the applicant is in jail since 26.08.2019, 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 by submitting that the offence committed by the applicant is of serious in nature, so, it is not a fit case to release him on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected at motion stage.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi