

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7535 of 2019**

- Rammilan Sonwani S/o Sajeevan Sonwani Aged About 25 Years R/o Gangpur, Police Station Guarela, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Gaurela, District Bilaspur, Chhattisgarh.

---- Respondent**MCRC No. 8017 of 2019**

- Rajesh Kumar S/o Paksuram Chaudhary Aged About 23 Years R/o Village Jhirnapori, Police Station Guarela, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Guarela, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Ahok Soni, Advocate.
For Respondent-State	:-	Mr Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/01/2020**

1. At the very outset learned counsel for the applicants seeks permission of the Court to withdraw the MCRC No.7535/2019 on behalf of applicant-Rammilan Sonwani.
2. Prayer is allowed.
3. Accordingly, MCRC No.7535/2019 is dismissed as withdrawn.
4. Heard application for applicant-Rajesh Kumar in MCRC No.8017/2019.
5. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 204/2019 registered at Police Station - Gaurela, District Bilaspur (C.G.) for the offence punishable under Sections 450, 376, 34 of the IPC.
6. The prosecution story, in brief, is that applicant on 25.07.2019 the prosecutrix lodged FIR against the present accused and other co-accused-Rammilan. On 24.07.2019 at about 9:00 pm her parent has gone to see someone to other village who was ill. She was in her house along with her brother and sister, after taking meal she had slept along with her brother and sister. At about 11:00 pm the present applicant along with co-accused Rammilan entered into the house and taking her with them. Co-accused forcibly undressed her and committed sexual intercourse. It was further alleged that the present applicant was

standing near Banyan tree. Her brothers came there on nature's call they saw the incident, looking to the brothers the accused persons flew away. Based on this, offence has been registered. The present applicant has been taken into custody on 26.07.2019.

7. Learned counsel for the applicants submits that the applicant is innocent and have been falsely implicated in the case. He further submits that the main allegation is against the co-accused-Rammilan. Next submission is that as the applicant is in jail since 26.07.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
8. On the other hand State counsel strongly opposes the bail application.
9. I have heard learned counsel for the parties and perused the entire material available on record.
10. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the allegation is against the co-accused-Rammilan. He is in jail since 26.07.2019 and as 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.

11. Accused/applicant-Rajesh Kumar (in MCRC No.8017/2019) is directed to be released on bail on their 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. Applicant is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit