

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5821 of 2020**

- Sonu Vishwakarma, S/o Raju Vishwakarma, Aged About 23 Years, R/o Baigapara Jigarpur, Police Station & Tahsil- Kota, Civil And Revenue District- Bilaspur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Yogeshwar Sharma, Adv.
For Respondent/State	:	Mr. Anand Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.01.2021**

1. 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. 155/2019 registered at Police Station-Torwa, Bilaspur, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC & Section 6 of POCSO Act, 2012.
2. The first bail application of the applicant was rejected vide order dated 15.11.2019 passed in MCRC No. 5451/2019.
3. The prosecution story, in brief is that, on 04.05.2019, at about 5.00 am, the applicant after seducing the prosecutrix, aged about 15 years, for marriage, took her along with him to Maharashtra and committed forcible sexual intercourse with her. Based on this, offence has been registered. Present applicant has been taken into custody on 21.05.2019.
4. 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 material prosecution witnesses including prosecutrix have been examined before the trial Court, who have not supported the case of prosecution. The applicant is in jail since 21.05.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application submitting that the prosecutrix is below 16 years of age and applicant did a very heinous crime and it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the record.
7. 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.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.
9. It is directed that the trial Court shall conclude the trial as early as possible preferably within a period of four months.

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

Ruchi