

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6830 of 2021**

- Sandeep Tamboli, S/o Munna Tamboli, Aged About 20 Years, R/o Clubpara, Mahasamund, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station Kotwali, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	:	Mr. J.K. Gupta, Adv.
For Respondent/State	:	Mr. Anurag Verma, P.L.
For Complainant	:	None though notice has been served

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.10.2021**

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. 370/2019 registered at Police Station-Kotwali, District- Mahasamund (C.G.) for the offence punishable under Sections 370(A), 372, 373, 376, 34 of IPC & Section 6, 17 of POCSO Act.
2. Earlier, the first bail application of the applicant was dismissed vide order dated 16.03.2020 passed in MCRC No. 7752/2019 by this Court.
3. The prosecution story, in brief is that, it has been alleged that the applicant along with other co-accused persons committed rape with the prosecutrix. As a result of which, she became pregnant. After investigation, offence has been

registered against the applicant and he has been taken into custody.

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 prosecutrix has filed a Criminal Revision against the order of trial which is registered as Criminal Revision No. 263 of 2021 and order was passed on 07.06.2021 by staying the proceedings in criminal case. He next added that other co-accused have been enlarged on bail in MCRC Nos. 4989/2021 and 4998/2021 by Coordinate Bench of this Court and the applicant is in jail since 15.09.2019, 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 and submits that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail to the applicant.
6. I have heard learned counsel for the parties and perused the record.
7. Earlier bail application of the applicant was dismissed by this Court but looking to the order-sheet dated 29.06.2021 passed in Criminal Revision No. 263/2021, it is clear that further proceeding of the trial has been stayed by this Court and it is also clear that trial in this case is now prolonged indefinitely and other co-accused have been enlarged on bail in MCRC Nos. 4989/2021 and 4998/2021 by Coordinate Bench of this Court. The applicant is in jail since 15.09.2019, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. 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**

R/-