

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
MCRC No.30905 of 2024  
(RAMESHWAR VS. STATE OF MADHYA PRADESH)**

**Dated: 31-07-2024**

***Shri Sooraj Bhan Lodhi – Advocate for the applicant.***

***Shri V.P.S. Tomar – Panel Lawyer for the State.***

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This **fifth repeat** application has been filed by applicant under Section 439 of Code of Criminal Procedure, 1973, for grant of bail in connection with Crime No.305 of 2023 registered at Police Station Chanderi, District Ashok Nagar (M.P.) for offence punishable under Sections 376D, 366, 342 and 323 IPC. Applicant is in judicial custody since 21.05.2023. His first and second bail applications (by co-ordinate Bench) & third and fourth bail applications (by this Court) were dismissed as withdrawn vide order dated 12.07.2023 (M.Cr.C. No.28664/2023), 21.08.2023 (M.Cr.C.No.35950/2023), 21.02.2024 (M.Cr.C. No.7499/2024) and 20.05.2024 (M.Cr.C. No.20687/2024).

As per the case of prosecution, prosecutrix aged about 35 years reported to Station House Officer, Police Station Chanderi, District Ashok Nagar (M.P.) that she had come to Chanderi for shopping on 20.05.2023. Around 03 in the afternoon, Rameshwar Lodhi met her and informed that her relatives were calling her to Central Bank. Rameshwar Lodhi took her to a room behind New Bus Stand on his motorcycle. He dragged her inside the room. His friend Jitendra Yadav was guarding the doors. Rameshwar forcefully committed rape on her. Thereafter, Jitendra Yadav assaulted her and committed rape while Rameshwar was guarding the doors. She was kept confined for three hours in the room. When one elderly lady came there, both the accused released her. She went to bus-stand and returned home. She informed her family members about the incident and came to report with her brothers. On such allegations, Police Station Chanderi, District

Ashok Nagar (M.P.) registered FIR at Crime No.305 of 2023 for offence punishable under Sections 376D, 366, 342 and 323 IPC against Rameshwar Lodhi and Jitendra Yadav. Prosecutrix was forwarded for medico-legal examination. Multiple injuries were found on her person. Statements of prosecutrix were recorded under Sections 161 and 164 Cr.P.C. Statements of other witnesses were also recorded. Rameshwar Lodhi (applicant) was arrested on 21.05.2023. On completion of investigation, final report was submitted. Trial is underway.

Learned counsel for the applicant in addition to the grounds mentioned in the application submits that applicant has falsely been implicated in the matter. Learned counsel submits that no offence as alleged is made out against the applicant. Learned counsel referring to DNA report submits that DNA profile extracted from the source material of the victim does not match with the DNA profile extracted from the source material of the applicant. Material witnesses have been examined. There is no likelihood of tampering with the remaining evidence by the applicant. No criminal antecedent is reported against the applicant. Trial would take time to conclude. Therefore, learned counsel submits that applicant may be extended the benefit of bail.

*Per contra*, learned counsel for the State opposes the application and prays for its rejection. Learned counsel contends that inconclusive DNA report does not exonerate the applicant of the charge of gang rape as the same report implicates co-accused Jitendra with the alleged offence. Prosecutrix, in her evidence before the court, has made specific allegation relating to involvement of applicant in alleged offence. The allegations are supported by medical evidence. It is a case of brutal sexual assault on a helpless lady. Trial is proceeding at an appropriate pace and would conclude soon. Material witnesses are yet to be examined. Therefore, applicant may not be extended the benefit of bail.

Heard learned counsel for the parties and perused the case-diary.

Considering rival contentions and material on record but without commenting on merits, in the considered opinion of this Court, the applicant does not deserve to be extended the benefit of bail.

Consequently, present application stands *dismissed*.

**(SANJEEV S KALGAONKAR)**  
**JUDGE**

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