

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 278 of 2020**

1. Sitthu @ Rambharos Yadav S/o Santlal aged about 22 years, R/o Village Lodhima, Patelpara, Chowki Manipur, P.S. Kotwali, District-Surguja, Chhattisgarh.
2. Mitthu Ram S/o Santlal aged about 23 years, R/o Village Lodhima, Patelpara, Chowki Manipur, P.S. Kotwali, District-Surguja, Chhattisgarh.
3. Jhitku @ Prakash Yadav S/o Santlal aged about 19 years, R/o Village Lodhima, Patelpara, Chowki Manipur, P.S. Kotwali, District-Surguja, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through- Station House Officer, Police Station- AJAK, Ambikapur (Surguja), Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Jitendra Shrivastava, Adv.
For Respondent/State	:	Mr. H. S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/06/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 26/2019 registered at Police Station-AJAK, Ambikapur (Surguja), District-Ambikapur (Surguja) (C.G.) for the offence punishable under Sections 365, 294, 506-B, 323, 343, 384, 376 (D) of the IPC and 3(1)(r)(s), 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The prosecution story, in brief is that, pm 03.09.2019 the prosecutrix lodged a report that in the month of August, 2019 the accused persons called her on phone, took her to Gramin Bank and pressurized her to withdraw the amount from her bank account and thereafter, took the prosecutrix to a lonely place and committed forcibly sexual intercourse with the prosecutrix one by one continuously and also threatened her

with dire consequences. When again they demanded the money she refused, on which they abused and assaulted her and also committed forcibly sexual intercourse with her. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that before the Court below during course of hearing the prosecutrix has filed an affidavit and stated that no offence has been committed by the accused persons. He next submits that the applicants are in jail since 06.09.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, therefore, no case is made out for grant them bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that before the Court below the prosecutrix filed an affidavit stating that no offence has been committed by the applicants. The applicants are in jail since 06.09.2019 and 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
8. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee

constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they shall be required to furnish bail bonds within four weeks from today.

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

H.L. Sabu