

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 887 of 2020**

- Jeetram Patel S/o Ram Kumar Patel, aged about 21 years, R/o Durpa, P.S. Shivrinarayan, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Shivrinarayan, District Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Shri Yogeshwar Sharma, Advocate
For Respondent	:	Ms. Akanksha Jain, Dy.G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****27/05/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.476/2019 registered at Police Station – Shivrinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 376, 366 IPC and Section 6 of POCSO Act.
2. The prosecution story, in brief, is that the complainant who is the brother of the prosecutrix, made a written report at police station that her sister (prosecutrix) is a student of class XI and on 18.11.2019 she had gone to school, but he saw her sister going with the present applicant on motorcycle. When he went to school and inquired about her sister then he came to know that her sister (prosecutrix) did not come to school. During investigation, the prosecutrix recovered from the possession of the applicant and the statement of the prosecutrix was recorded. Based on this, offence has been

registered. The present applicant has been taken into custody on 20.11.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the age of the prosecutrix is 17 year and 4 months and she accompanied the applicant of her own. He also submits that the applicant is in custody since 20.11.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 20.11.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.
9. It is made clear that if the applicant has 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), he 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 he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)

Judge

Pekde