

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 936 of 2020**

- Naveen Chakradhari Chhotelal Chakradhari Aged About 20 Years Resident Of Village Dhaneli, Police Station Dharsiwa, District Raipur, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Palari, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant. : Mr. C. R. Sahu, Advocate.
 For Respondent/State : Mr. Sunil Otmani, Addl. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.05.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 178/2019 registered at Police Station : Palari, Civil & Revenue District Baloda-Bazar Bhatapara (C.G.) for the offence punishable under Sections 363, 366, & 376 of the IPC and Section 6 of the POCSO Act.
2. The prosecution story in brief is that, on 24.04.2019, complainant filed a missing report before the concerned police station. After investigation, the prosecutrix was recovered from the possession of applicant. The allegation against the applicant is that, the applicant had abducted the prosecutrix and committed sexual intercourse with her against her will. Based on that, after investigation, offence

has been registered and he has been arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question because he was not involved in any such incident. He further submits that the prosecutrix was major at the time of incident and she did not raise any objection during incident which shows that the prosecutrix went with the applicant with her own will. The applicant is in jail since 14.01.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and age of the prosecutrix, as applicant is in jail since 14.01.2020 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 applicant on bail. Accordingly, the application is allowed.
7. 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 said Court on each and every date given to him by the said Court.
8. 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.

9. Certified copy, as per rule.

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

Vijay Sahu