

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1068 of 2020**

Suryapratap Tanwar S/o Dhruv Kumar Tanwar, Aged about 22 yers, R/o Village Sonpuri, Police Station Kotwali Korba, Tahsil and District Korba, Chhattisgarh.

**---Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Kotwali Korba, District Korba, Chhattisgarh.

**--- Non-applicant/State**

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For Applicant :- Mr. Dharmesh Shrivastava, Advocate  
For State :- Mr. Ghanshyam Patel, G.A.

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**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order on Board**

**11/05/2020**

- 1.This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 773/2019, registered at Police Station - Kotwali Korba, District Korba(CG), for the offence punishable under Section 376 of the Indian Penal Code.
- 2.Case of the prosecution, in brief, is that the applicant had sexual relationship with the major

prosecutrix and on the pretext of marriage he committed sexual intercourse with her on 02/11/2019 and thereby, committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question as the alleged rape is said to have been committed on 02/11/2019 whereas FIR has been lodged on 17/11/2019 and there is no explanation with regard to the delay in lodging the FIR. He would further submit that the applicant is in jail since 24/12/2019. Charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that no explanation for delay in lodging the FIR has been given, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
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.
10. Certified copy, as per rules.

**Sd/-**  
**(Sanjay K. Agrawal)**  
**Judge**