

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 977 of 2020**

- Ramnihora S/o Baraturam Sahu, aged about 25 years, R/o village Paunsari, Police Station Bilha, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Bilha, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Ms. Meera Nair, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/05/2020**

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.03/2020 registered at Police Station – Bilha, District Bilaspur (C.G.) for the offence punishable under Sections 376 IPC.
2. The allegation against the applicant is that on 05.01.2020, when the prosecutrix came out of her house to answer the call of nature in her courtyard, the applicant came from boundary wall, pressed her mouth and tried to drag her but she entered into the toilet. The applicant also entered into toiled forcefully and committed forcibly sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 06.01.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that according to medical evidence, the prosecutrix is habitual to sexual intercourse and no exact opinion regarding recent intercourse was given. He also submits that the applicant is in custody since 06.01.2020,

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 06.01.2020, 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.
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