

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1054 of 2020

Poshan Yadav, S/o Late Mahesh, aged about 22 years, R/o Khamtarai, Sahupara, Near Maa Vaishnav Kiraya Bhandar, Police Station Khamtarai, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Urla, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.542/2019, registered at Police Station Urla, Distt. Raipur, for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant abducted the minor prosecutrix and said to have sexually assaulted her and thereby committed the offence.
3. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that the prosecutrix has not supported the case of the prosecution in her statement recorded under Section 164 of the CrPC. The applicant has been arrested on 24-11-2019. Charge-sheet has been filed and no useful purpose would be served by keeping the applicant in jail.

4. On the other hand, learned State counsel opposes the application and submits that the applicant be not released on bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and further taking into account that charge-sheet has been filed and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.
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 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu 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 bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge