

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1040 of 2020

Devanand Lahre, S/o Devram Lahre, Aged About 20 Years, R/o Kaurin Bhatha, Police Station Basantpur, District- Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through The Police Station Basantpur, District- Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate.

For Respondent : Dr. Veena Nair, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

29/05/2020

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. 192/2019 registered at Police Station – Basantpur, District- Rajandgaon (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC & Section 4 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution is that the applicant by alluring the prosecutrix of marriage committed forceful sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the prosecutrix has not supported case of the

prosecution and turned hostile. He further submits that as the applicant is in custody since 31.05.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the records.
6. Taking into consideration the facts and circumstances of the case and further taking into plea raised by the applicant that he has falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application is allowed. 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 Court for his appearance before the concerned Court 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 23.03.2020 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

Arun