

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1047 of 2020

Arun Pardhi, S/o Raju Pardhi, aged about 20 years, R/o Bhorsi, Chowki Kadrka, Police Station Berla, District Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Berla, District Bemetara (C.G.)

---- Non-applicant

For Applicant:	Mr. Bharat Rajput, 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.349/2019, registered at Police Station Berla, Distt. Bemetara, for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 8 & 12 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 aged about 17 years 5 months (more than 17 years and less than 18 years) and committed sexual intercourse upon 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 applicant visited several places along with the prosecute, but the prosecutrix did not raise any alarm, therefore she is consenting party and she is aged about more than 18 years as on the date of incident. The applicant

has been arrested on 10-11-2019. 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.
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