

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1229 of 2020**

Neelambar Yadav, son of Sitaram Yadav, aged about 22 years, resident of village Kasdol Chowki Balouda, P.S. Saraipali, District Mahasamund (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Saraipali, Civil and Revenue District Mahasamund (CG)

---Non-Applcant

For Applicant	:	Mr.Chandra Kumar, Advocate
For Non-applicant	:	Mr.Chandresh Shrivastava, Dy.A.G.

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

12/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.368/2019, registered at Police Station Saraipali, Distt. Mahasamund, for the offence punishable under Sections 363, 366 and 376 (2) of the IPC.

2. Case of the prosecution, in brief, is that the applicant abducted the minor prosecutrix and thereafter committed intercourse with her and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that in 164 CrPC statement the prosecutrix has not supported the case of the prosecution. The applicant has been arrested on 30.11.2019, charge-sheet has already been filed and no useful purpose would be served by keeping him in jail.

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 offence, considering the statement of the prosecutrix under Section 164 CrPC and pre-trial detention of the applicant, 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 ₹ 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 23.3.2020 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

B/-

