

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1296 of 2020**

Bhola Mahilang, S/o Shri Rajkumar Mahilang, aged about 20 years, R/o Village
Sirrikhurd, P.S. Fingeshwar, District Gariaband (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Fingeshwar, District Gariaband
(C.G.)

----Non-applicant

For Applicant	: Mr. Pragallabh Sharma, Advocate.
For Non-applicant/State	: Mr. Vikram Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/05/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 32/2020 registered at police Station Fingeshwar, District Gariaband for the offence punishable under Sections 451 & 354 of the Indian Penal Code Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution in brief is that applicant entered into the house of the minor complainant and outraged her modesty and, thereby, committed the aforesaid offence.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question and it is a case of love affair between the applicant and the complainant. He further submits that applicant is languishing in jail since

29.01.2020 and no useful purpose would be served by keeping him further in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that the complainant is a minor on the date of offence.

(5) Taking into consideration the nature and gravity of the offence, in particular, the fact that applicant is in detention since 29.01.2020 and no custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court till disposal of the trial.

(7) 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.

(8) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

