

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1308 of 2020**

- Mahendra Kumar, S/o Ujit Ram, aged about 30 years, Caste Kumhar, Occupation – Farmer, R/o village Binjkot, Thana Bhupdevpur, Tahsil Kharsiya, District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Bhupdevpur Thana, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Respondent	:	Shri Ayaz Naved, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****19/05/2020**

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.14/2020, registered at Police Station – Bhupdevpur, District Raigarh (C.G.) for the offence punishable under Sections 376 and 506 IPC.
2. The allegation against the present applicant is that when the prosecutrix, aged about 27 years, went for urination behind her house, the applicant caught hold of her hands, gagged her mouth and committed rape with her and also threatened her for dire consequences if she discloses the incident to anyone. Based on this, offence has been registered. The present applicant has been taken into custody on 04.02.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is 27 years of age and she is a consenting party to the act of the applicant. He also

submits that the applicant is in custody since 04.02.2020 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix is 27 years of age, the applicant is in custody since 04.02.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court 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 23.03.2020 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