

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1436 of 2020**

Ajay Sinha, S/o Late Shri Sadharam Sinha, aged about 23 years, R/o Village – Mahalpara Pithoura, P.S. & Tahsil – Pithoura, District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station – Pithoura, District Mahasamund (C.G.)

----Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

13/05/2020

(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. 24/2018 registered at police Station Pithoura, District – Mahasamund for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act, 2012.

(2) Case of the prosecution, in brief, is that applicant abducted the minor prosecutrix and taken her to various places and committed sexual intercourse with her against her will and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to the act of the applicant. He further submits that the applicant has already married with the prosecutrix and they lived together as husband and wife. He

also submits that the applicant has been arrested on 11.02.2020 and the trial is likely to take some time for its final disposal and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence, further considering fact that applicant has been arrested on 11.02.2020 and the trial is likely to take some time for its final disposal; 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/-

