

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1430 of 2020**

Deepak Kumar, S/o- Shanti Saroop, Aged about 34 years, R/o- Aasma Homes City, Sakri, P.S. - Sakri, Tehsil – Takhatpur, District – Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station – Mahila Thana – Bilaspur, District Bilaspur (C.G.)

----Non-applicant

For Applicant	: Mr. Rahul Sharma, Advocate.
For Non-applicant/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. 07/2020 registered at police Station Mahila Thana – Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the major prosecutrix against her will and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has not committed any offence. He further submits that there is inordinate delay in lodging the First Information Report. He also submits that the applicant has been arrested on 08.02.2020 and the trial is likely to take 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 facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the fact that applicant has been arrested on 08.02.2020; 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/-

