

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1428 of 2020**

Vinod Rai @ Daddu, son of Santu Rai, aged about 20 years, R/o. Permanent Address – Village Surki Sendri, P.S. Dadhi, District Bemetara, Permanent Address – Behind Sai Mandir, Sadak No. 05, Block -05, Kandan Quarter, Sector-6, District Durg (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Bhilai Nagar, District Durg (C.G.)

----Non-applicant

For Applicant	: Mr. Rudra Nath Mukherjee, 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. 300/2018 registered at police Station Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 3 & 4 of POCSO Act.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecutrix after abducting her on the pretext of marriage and, thereby, committed the aforesaid offences.

(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 the prosecutrix is a minor girl and she is consenting party to the act of the applicant. He

also submits that applicant has been arrested on 03.10.2018 and charge sheet has already been filed and, therefore, the applicant may be released on bail.

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

(5) Taking into consideration the nature and gravity of the offence, in particular, the fact that applicant has been arrested on 03.10.2018 and charge sheet has already been filed; 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/-

