

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1456 of 2020**

Durgesh @ Sonu Bhoi, S/o Late Mukesh Bhoi, Aged about 19 years, R/o Tikrapara, Dhamtari, Police Station Dhamtari, District Dhamtari, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through Police Station-Dhamtari, District Dhamtari, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Shivendu Pandya, Advocate

For State :- Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/05/2020

- 1.This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 524/2019, registered at Police Station – Dhamtari, District Dhamtari (CG), for the offence punishable under Sections 376 and 506 of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
- 2.Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the

minor prosecutrix and thereby, committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question as there is a delay of more than one year in lodging the FIR and charge-sheet has not been filed. He would further submit that the applicant is in jail since 20/01/2020.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and pre-trial detention of the applicant and the extent of delay in lodging the FIR, this Court is of the opinion that present is a fit case wherein the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum

to the satisfaction of the concerned trial Court,
for his appearance 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.

10. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet