

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1576 of 2020**

Mohd. Aazad Alam, son of Jafir Uddin, aged about 23 years, resident of village Kakorwa, Tahsil Palasi, Post Dehati District Arariya (Bihar). (Mohd. Aazad Akam wrongly mentioned in cause title of impugned order) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, P.S. Sukma, District Sukma (C.G.)

----Non-applicant

For Applicant	: Mr. P.K. Patel, Advocate
For Non-applicant/State	: Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/05/2020**

(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. 01/2019 registered at police Station Sukma, Civil and Revenue District Sukma for the offence punishable under Sections 376 & 506 of the Indian Penal Code, Section 3(2)(v) of the Scheduled Castes and Tribe (Prevention of Atrocities) Act, 1989 and Section 67 (A) of the Information Technology Act.

(2) Case of the prosecution in brief is that present applicant, on the pretext of marriage, has continuously committed sexual intercourse with the prosecutrix, who is member of Scheduled Tribe and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant submits that 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 of one year in lodging the FIR; applicant has been arrested on 26.08.2019 and the charge sheet has already been filed and, therefore, applicant may be released on bail.

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

(5) Taking into consideration nature & gravity of the offence, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 26.08.2019 and the 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 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

