

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1481 of 2020

Manoj Tandi, Aged about 24 yrs., S/o Shri Hari Tandi, R/o Village Jagannath Chowk, Behind Krishna Bhavan, Gudiya Road, Kota, P.S. Saraswati Nagar. Distt. Raipur (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, through P.S. New Rajendra Nagar, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Pragalbha Sharma, Advocate.
For Non-applicant:	Mr. Gagan Tiwari, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board13/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.44/2020, registered at Police Station New Rajendra Nagar, Distt. Raipur, for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the major prosecutrix on the pretext of marriage and thereby committed the offence.
3. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence and he has been falsely implicated in the case. There is delay of more than three years in lodging the first information report. Charge-sheet has been filed. The applicant has been arrested on 8-2-2020.
4. On the other hand, learned State counsel opposes the application.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and the extent of delay in lodging the FIR, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.
8. 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 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu 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 bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge