

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1587 of 2020

Rakesh Dewangan, S/o Budhram Dewangan, aged about 22 years, R/o Village Khopa, Outpost Karanji, Police Station Vishrampur, Tahsil Bhaiyathan, District Surajpur (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Outpost Karanji, Police of Police Station Vishrampur, District Surajpur (C.G.)

---- Non-applicant

For Applicant:	Mr. Anil Gulati, Advocate.
For Non-applicant:	Mr. Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/05/2020

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.4/2020, registered at Outpost Karanji, Police Station Vishrampur, District Surajpur, for the offence punishable under Sections 363, 366A & 376 read with Section 34 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant abducted the minor prosecutrix and another co-accused Raju Rajwade committed sexual intercourse with her 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. He further submits that the allegation of rape is not against the present applicant, it is against Raju Rajwade. The applicant has been arrested on 17-1-2020.

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 main allegation is against co-accused Raju Rajwade, 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