

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1618 of 2020

- Kewal Verma S/o Bhimsingh Verma, Aged About 33 Years R/o Village - Hathidob, Police Station - Parpodi District - Bemetara Chhattisgarh. **----Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Parpodi, District - Bemetara Chhattisgarh. **---- Respondent**

 For Applicant : Mr. Sanjeev Kumar Sahu, Advocate
 For Respondent/State : Mr. Mateen Siddiqui, Dy.A.G.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

05.06.2020

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.08/2020, registered at Police Station - Parpodi, District Bemetara (C.G.) for the offence punishable under Sections 452, 323, 376, 506-II of IPC.
2. It is the case of the prosecution that on 04.02.2020 the present applicant committed forcefully intercourse with the prosecutrix in her home in night at about 12.00 a.m. and assaulted her. The prosecutrix filed written complaint against the present applicant and police registered F.I.R. against the present applicant, he is in custody since 05.02.2020.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that prosecutrix is major and

she has been consenting party. As the applicant is in jail since 05.02.2020., charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 05.02.2020., charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the disposal of the trial.
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 23.3.2020 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 bond
afresh and the bail bond already furnished shall be deemed
to be the bail bond furnished in compliance of the order of
this Court, but if he has not furnished the bail bond earlier,
then he will be required to furnish bail bond within four
weeks from today.

10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Nadim