

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1612 of 2020**

- Sharda Karsh W/o Santosh Karsh, Aged About 28 Years R/o. Negimudi Chowk, Ward No. 9 Jaijaipur, Police Station Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajeev Kumar Dubey, Advocate.
For Respondent	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.06.2020**

- The applicant has filed her **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 218/2018 registered at Police Station : Jaijaipur, District Janjgir-Champa (C.G.) for the offence punishable under Section 302 of the IPC.
- The first bail application was dismissed as withdrawn on 18.11.2019 passed in MCRC No. 6004/2019, and a direction was given to the trial Court to conclude the trial within a period of six months.
- The prosecution story in brief is that, on 29.11.2018, the deceased Amir Khan has entered the house of the applicant and tried to outrage her modesty. Thereafter, a scuffle arose between them and, in her defence, she hit the deceased, due to which he died. Based on that offence has been registered

against the applicant and she has been arrested.

- Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is a lady and she had only opposed at that time when the deceased tried to outrage her modesty. Furthermore, in the first bail application of the applicant this Hon'ble Court had given six months' time to the trial Court to conclude the trial but the same is pending yet, and due to current situation of COVID-19, trial will take more time to conclude, as the applicant is in jail since 30.11.2018 and she is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, she may be released on bail.
- On the other hand, State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the said Court on each and every date given to her by the said Court.
- 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), she 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 she has not furnished the bail bonds earlier, then she will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu