

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1632 of 2020

- Vijay Singh Neti S/o Chandrashekhar Neti Aged About 19 Years R/o Village Bankheta-Majhapara, Chowki-Jatga, Police Station - Katghora, District Korba, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station Pashan, District Korba, Chhattisgarh. **---- Respondent**

 For Applicant : Mr. Sanjeev Kumar Sahu, Advocate
 For Respondent/State : Dr. Veena Nair, 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.96/2019, registered at Police Station - Pashan, District Korba (C.G.) for the offence punishable under Section 376(2)(N), 417 of IPC.
2. It is the case of the prosecution that on 20.08.2018 to 08.09.2019 the present applicant committed forcefully intercourse to the prosecutrix on the basis of the applicant the prosecutrix asked the applicant to do marry with her, when the applicant refused to marry with her and he escaped by quarreling with her thereafter the case was registered against the present applicant. The present applicant is in custody since 23.11.2019.
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 23.11.2019, 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 23.11.2019, 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