

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1819 of 2020**

- Didakhush Kujur S/o Shri Anthony Kujur Aged About 29 Years R/o Dhobipara Fuduldihari, Ambikapur Police Station Gandhinagar , District Surguja Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Newai , District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Purnendra Khichariya, Advocate
For Respondent/State	:	Shri Sameer Sharma, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****09/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.17/2020 registered at Police Station – Newai, District Durg (C.G.) for the offence punishable under Sections 376 IPC.
2. The allegation against the applicant is that in the year 2018 he committed sexual intercourse with the prosecutrix on the pretext of marriage and after that he denied to perform marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 08.02.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the age of the prosecutrix is 27 year and she is the consenting party to the act of the applicant. He also submits that the applicant is in custody since 08.02.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 08.02.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
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 23.03.2020 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 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 the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge