

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1942 of 2020**

- Ravichandra @ Ravindra, son of Kartik Ram Harijan, aged about 26 years, resident of Bharhibansh, Police Station Raghunathnagar, District Balrampur Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Raghunath Nagar, District Balrampur - Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/06/2020**

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.90/2019, registered at Police Station - Raghunath Nagar, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376 and 506 IPC.
2. The allegation against the present applicant is that on 18.11.2019 at about 10.00 pm, when the prosecutrix went to answer the call of nature, the present applicant came from behind, caught hold of her, gagged her mouth threatening her for dire consequence and committed rape with her. Based on this, offence has been registered. The present applicant has

been taken into custody on 24.11.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that the prosecutrix is fully grown major lady and the applicant is tender aged boy & thus it is impossible for men to commit rape forcibly against her will and in the charge sheet also nothing incriminating has been found against the applicant. She also submits that the applicant is in custody since 24.11.2019, 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 prosecutrix is major, the applicant is in custody since 24.11.2019, 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

Pekde