

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2033 of 2020**

- Rahul Sharma S/o- Suresh Sharma, Aged about 20 years, R/o- Mungesar, PS MandirHasaud, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Police Station- MandirHasaud, Raipur (C.G.)

---- Respondent

For Applicant : Mr. Ankur Agrawal, Advocate.
For Respondent/State : Mr. Dinesh R.K. Tiwari, Dy G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 53/2020 registered at Police Station – MandirHasaud, Raipur (C.G.) for the offence punishable under Section 376 of IPC and Section 3(2) (va) of the SC/ST Act.
- According to the prosecution story, the prosecutrix has been called by the applicant for some work at his home on 04.02.2020 around 01:30 pm and no one was present at applicant's home, thereafter, the applicant has made physical relationship with her, and on 07.02.2020 made written complaint before the police station for which the offence under the aforesaid sections has been registered against the present applicant.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the aforesaid case. He further submits that the learned Court below has failed to appreciate that the prosecution has miserably failed to bring home the ingredients of the charges were under Section 376 of IPC and Section 3(2)(va) of the SC/ST Act against the present applicant. He next contended that the

applicant is in jail since 08.02.2020, therefore he may be granted bail.

- On the other hand, counsel for the State 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 trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge

Vasant