

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2144 of 2020

Deviprasad, S/o Gopalram Sahu, Aged about- 28 years, R/o Sakin
Kudhurtal, Police Station Lalpur, Mungeli, District Mungeli (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station
Lalpur, Mungeli, District Mungeli (C.G.)

---- Respondent

For Applicant : Mr. Prateek Sharma, Advocate
For Respondent/State : Mr. Dinesh Tiwari, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

17/06/2020

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.190/2019, registered at Police Station – Lormi, Mungeli, District Mungeli (C.G.) for the offence punishable under Sections 376, 354, 354(a)(1)/34 of IPC and Section 8 of POCSO Act,2012.
2. It is the case of the prosecution that the applicant along with other accused persons have committed rape upon prosecutrix and outraged her modesty and the prosecutrix was minor on the day of incident. Based on this, offence has been registered. The present applicant is in custody since 28.04.2019.
3. Learned counsel for the applicant submits that FIR was lodged with 6 years delay in the year 2019, whereby the alleged act is been committed since year 2013. That, PW-1 and PW-2 did not depose anything about incident of rape

before the trial Court and the applicant has been falsely implicated in the crime in question. He further submits that other co-accused namely Ramesh Sahu has already been released by this Court vide order dated 25.02.2020 in MCRC No. 291 of 2020. As the applicant is in custody since 28.04.2019, 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 on the ground of parity.

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 28.04.2019, 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