

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2199 of 2020**

- Vikas Kumar Sai son of Krishna Lal Sai, aged about 26 years, Caste - Gond, resident of village Dhaurasad, Police Station Farsabahal, District Jashpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Farsabahal, District Jashpur (C.G.)

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent	:	Shri Sameer Sharma, Dy.G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/05/2020**

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.36/2019 registered at Police Station - Farsabahal, District Jashpur (C.G.) for the offence punishable under Sections 363, 366, 366-A, 376, 342, 34 IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. The allegation against the present applicant is that he abducted the prosecutrix with the help of co-accused namely Awadhesh Sidar and Marsel, and during the detention period, the present applicant committed forcible sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 19.02.2020.
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 17-18 years and, in her Court statement, she has not stated anything against the present applicant and turned hostile. He also

submits that the applicant is in custody since 19.02.2020, 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 case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix has not supported the case of the prosecution, 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, till final 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 23.03.2020 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