

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2186 of 2020**

- Ajay Kumar @ Bala, S/o Deraha Ram Kaiwartya, Aged About 21 Years, R/o Village Darra, P.S. -Kasdol, District- Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: Police Station- Kasdol, District- Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Jhawar, Adv.
For Respondent/State	: Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

20.05.2020

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 904/2019 registered at Police Station- Kasdol, District- Balodabazar Bhatapara, (C.G.) for the offence punishable under Sections 376, 506 and 323 of I.P.C.
4. The prosecution story, in brief is that, on 10.12.2019, at about 6.00 PM, prosecutrix went for natural call in courtyard of her uncle at that time applicant came and caught hold forcefully and after beating her, he committed sexual intercourse with her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that charge-sheet has been filed and the applicant is in

jail since 11.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 11.12.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
10. 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.
11. Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge