

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2165 of 2020**

Devalla Prasad S/o- Late Ranjeet Harijan, Aged about- 27 years, R/o
Village Beltikari, P.S. Tehsil and District- Surajpur (C.G.)

-----Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Surajpur,
District Surajpur (C.G.)

----- Respondent

For Applicant : Mr.Shakti Raj Sinha, Advocate
For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

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.51/2020, registered at Police Station - Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 376, 509 and 506 B of IPC.
2. It is the case of the prosecution that a complaint was lodged by the prosecutrix on 25.01.2020 alleging that the applicant is brother-in-law of the prosecutrix, who was married to her sister 7 years ago, and therefore, the prosecutrix was having a cordial relation with the applicant, it was further alleged that 2 years ago on the day of Mahashivrateri, the applicant took the prosecutrix to visit Devgarh Temple and on the way he grabbed her and took her towards forest and committed sexual intercourse, took her photographs and started blackmailing her, therefore, the prosecutrix did not make any report against the present

applicant. Based on this, offence has been registered. The present applicant is in custody since 25.02.2020.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant is in custody since 25.02.2020, 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.
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 25.02.2020, 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