

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2173 of 2020**

- Bhupendra Yadav S/o Kamta Prasad Yadav Aged About 21 Years R/o Village Kauhakuda, Police Station Ghumka, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Ghumka District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Aditya Bhardwaj, Adv.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/05/2020**

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. 176/2019 registered at Police Station Ghumka, District- Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376, 506 (2) of the IPC and 6 of the Protection of Children from Sexual Offence Act.
4. The prosecution story, in brief is that, the complainant lodged a report that on pretext of marriage the applicant took the prosecutrix and committed sexual intercourse with the prosecutrix. Based on this offence has been registered against the present applicant.
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 the prosecutrix has not

been supported the prosecution case before trial Court and the applicant is in jail since 24.09.2019, 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, detention period of applicant and further considering the facts that the prosecutrix has not supported the prosecution case. The applicant is in jail since 24.09.2019, 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 bond 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 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.

**Sd/-
(Rajani Dubey)
Judge**