

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2894 of 2020**

- Roop Lal Prajapati, S/o Shri Shivdayal Prajapati, Aged About 25 Years, R/o Village Kumhari, Police Station- Marwahi, District- Bilaspur, Chhattisgarh. (Present District Gaurela-Pendra-Marwahi).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Pendra, District- Bilaspur, Chhattisgarh. (Present District Gaurela-Pendra-Marwahi).

---- Respondent

For Applicant : Mr. Harshwardhan Jaiswal, Adv.

For Respondent/State : Ms. Veena Nair, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

04.06.2020

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. 408/2019 registered at Police Station- Pendra, District- Bilaspur, (C.G.) for the offence punishable under Section 376 of IPC and Section 3 (2) (V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. The prosecution story, in brief is that, on the pretext of marriage, the present applicant continuously made physical relationship with the prosecutrix. 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 the charge-sheet has been filed and he is a sole earning member of his family. The applicant is in jail since 17.03.2020, 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 and the submission made in this respect. It is submitted that the offence committed by the applicant is heinous in nature, therefore, no case is made out for grant of bail.
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 charge-sheet has been filed and the applicant is in jail since 17.03.2020 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**

Ruchi