

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2214 of 2020**

- Udaynath Dewangan S/o Late Shobo Dewangan, aged about 42 years, residing at Mata Mandir Para, Village Bamhani, P.S. Nagarnar, District Bastar (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Nagarnar, District Bastar, Chhattisgarh

---- Respondent

For Applicant	:	Shri P.K. Tulsya, Advocate.
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

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 releasing him on regular bail during trial in connection with Crime No.39/2020 registered at Police Station - Nagarnar, District Bastar (C.G.) for the offence punishable under Sections 376 and 313 of the IPC.
2. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix on the pretext of marriage. When the prosecutrix conceived, he administered pill to her for aborting the child and performed marriage with another woman. Based on this, offence has been registered against the applicant. The present applicant is in custody since 27.02.2020.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He further submits that the prosecutrix is major lady and she is consenting party to the act of the applicant. He also submits that as the applicant is in custody since 27.02.2020 and the trial is likely to take some time for its final disposal, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the detention period, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed. 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 solvent 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.
7. 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.

8. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

pekde