

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2301 of 2020**

Dhaneshwari Sahu, W/o Anand Sahu, Aged about 35 years, R/o 113
Rajnandgaon, Station Para Ward No. 09, District Rajnandgaon (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through – Arakshi Kendra, City Kotwali
Rajnandgaon (CG)

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.
For Respondent/State : Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.06.2020**

- The accused/applicant has moved his 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. 727/2019 registered at Police Station – City Kotwali, Rajnandgaon (C.G.) for the offence punishable under Sections 315, 317, 318, 201, 34 of IPC.
- According to the prosecution story, the complainant namely Archana Nagdeve the resident of the locality lodged a report that on 08.12.2019 she found a newly born baby near house of Saroj Yadav and they informed the Local Health Centre, they rescue the new born baby but during the treatment he died and when the matter was investigated, it is found that the daughter of the applicant was rapped by one Sanjay Kashyap and other co-accused of the case and when she became pregnant intervening night of the 07.12.2019 to 08.12.2019 she delivered the baby boy in the house of the Sanjay Kashyap with the help of one local Dai and wife of the Sanjay Kashyap, thereafter, the co-accused and other person leave the child near the drainage line and thereafter the above offence was registered against the all accused persons.
- Learned counsel for the applicant submits that the applicant is innocent and falsely been implicated in this case and nothing adverse has been stated against the present applicant. He next contended that

the applicant is in jail since 10.01.2020, therefore, he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.
- 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.

Sd/-
(Rajani Dubey)
Judge