

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2228 of 2020**

Ramu Ram, S/o Pokna Ram, Aged about 36 years, R/o Village,
Sendwar, Chouki- pandrapaath, Police Station Bagicha, District
Jashpur (C.G.) **----Applicant**

Versus

State of Chhattisgarh, Through: Chouki of Pandrapaath, Police
Station Bagicha, District Jashpur (C.G.) **---- Respondent**

For Applicant : Mr. Jai Praksh Shukla, Advocate
For Respondent/State : Mr. Samir Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

29/06/2020

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.04/2020, registered at Police Station Bagicha, Chouki-Pandrapaath, District Jashpur (C.G.) for the offence punishable under Sections 450, 376 of IPC.
2. It is the case of the prosecution that on 02.01.2020 in night, when the prosecutrix was sleeping alongwith her children in her home. The husband of the prosecutrix had gone out to work. It is alleged that the applicant forcibly committed sexual intercourse with the prosecutrix by entering in her house at night about 12.00 hrs. from roof by removing tile (Khapra) of roof. It is also alleged that the present applicant carrying one club with him to threatened the prosecutrix. Based on this, offence has been registered against the present applicant. The present applicant is in custody since 05.01.2020.

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 and the applicant are having one land dispute due to which the applicant could not sale out the piece of land, therefore, on denial of giving consent to the prosecutrix for selling of the joint land by the applicant, she roped the applicant in false charge. He further submits that the applicant is only earning member of the family. The applicant is in custody since 05.01.2020, 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 on the ground of parity.
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 05.01.2020, 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