

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2323 of 2020

- Balkrishna Sharma @ Bal Kishan Sharma, S/o. Nawal Kishore sharma, Aged About 27 Years R/o Banki Mongara, Gurudwara Gali, Police Station Banki Tahsil Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Station House Officer, Outpost Manikpur, Police Station Kotwali Korba, District Korba Chhattisgarh.,

---- Respondent

For Applicant : Shri Dharmesh Shrivastava, Advocate
For Respondent /State : Shri DineshTiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 64/2020 registered at police station Kotwali, Korba, Outpost Manikpur, district Korba(CG) for the offence punishable under Sections 376 and 384 IPC.

As per prosecution case, report was lodged by the prosecutrix alleging that she was having some dispute with her husband and therefore she asked the present applicant to do *pooja-path*. It is alleged that after getting in contact with the present applicant she took divorce from her husband. It is the case of prosecution that the

applicant came to the prosecutrix and made an attempt to commit rape on her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant is in jail since 04.02.2020; charge sheet has been filed; offence is triable by Magistrate and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing 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

suguna