

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2379 of 2020**

1. Lalchand Alias Gautam Prajapati S/o Vijay Prajapati Aged About 26 Years R/o Village- Silma, P. S. Batouli, District- Sarguja, Chhattisgarh.
2. Sunil Prajapati S/o Uner Ram Prajapati Aged About 26 Years R/o Village- Silma, P. S. Batouli, District- Sarguja, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : SHO, P. S. Batouli, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Amit Soni, Adv.
For Respondent/State	:	Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/05/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Special Criminal Case No.(POCSO) 70/2019, Crime No. 85/2019 registered at Police Station-Batouli, District-Sarguja (C.G.) for the offence punishable under Sections 363(twice), 366-क(twice), 376(क)(ख) of the IPC and 5(ढ)/6, 5(ज)/6 of POCSO Act.
2. The prosecution story, in brief is that, on 19.09.2019 complainant mother of the prosecutrix lodged a written report that her daughter who has enfeebled mind was seduced and taken by the applicants and committed sexual intercourse with her. Based on this, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the prosecutrix and mother of the prosecutrix have not supported the prosecution case before trial Court. The applicants are in jail since 20.09.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

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 case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the prosecutrix and mother of the prosecutrix have not stated anything incriminating against the applicants and the applicants are in jail since 20.09.2019 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
8. It is made clear that if the applicants have 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), they 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 they have not furnished the bail bonds earlier, then they shall be required to furnish bail bonds within four weeks from today.

**Sd/-
(Rajani Dubey)
Judge**