

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2430 of 2020**

- Ishant Kiran @ Ishu Sahu S/o - Hemant Kiran Aged About 22 Years R/o - Bhanpuri, Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh, Through : The Station House Officer, Police Station City Kotwali, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Satish Gupta, Adv.
For Respondent/State	:	Mr. Sudeep Verma, Dy. G.A.
For Objector	:	Mr. Vikash A. Shrivastava on behalf of Mr. Mayank Chandrakar, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/06/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 167/2020 registered at Police Station City Kotwali, District-Dhamtari (C.G.) for the offence punishable under Sections 376 and 294 of the IPC.
4. The prosecution story in brief is that, complainant lodged a written complaint that, complainant acquainted with the applicant on Facebook. After some time applicant proposed of his love to the complainant and on pretext of marriage applicant committed sexual intercourse many times with the complainant. Ultimately, applicant denied marrying with the complainant. Based on this offence has been registered against the present applicant.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the age of the prosecutrix is about 23 years and the applicant is in jail since 25.04.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, therefore, no case is made out for grant of bail.
7. Learned counsel for the objector opposes the bail application with the submission that applicant allured the prosecutrix and on pretext of marriage committed sexual intercourse, therefore, applicant may not be granted bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the age of the prosecutrix is 23 years and the applicant is in jail since 25.04.2020, 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 applicant on bail. Accordingly, the application is allowed.
10. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
11. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 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.

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

H.L. Sabu