

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2525 of 2020**

- Sailendra @ Monu Yadav S/o Goverdhan Yadav Aged About 25 Years R/o Ward No. 11, Khairagarh, P.S. And Tahsil Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Adv.
For Respondent/State	:	Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/06/2020**

1. 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. 49/2020 registered at Police Station Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506, 509(B) of the IPC and 67 of I.T. Act.
2. The prosecution story in brief is that, complainant brother of the prosecutrix lodged a report that since 2018 the applicant on pretext of marriage established physical relations with the prosecutrix. It is also alleged that the applicant tortured the prosecutrix physically as well as mentally, to said that applicant has obscene video of the prosecutrix. Based on this offence has been registered against the present applicant.
3. 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 28 years and the applicant did not commit any crime whereas, the prosecutrix called the applicant at the spot of incident and assaulted with the sharp weapon due to this, applicant sustained grievous injuries. Thereafter, applicant

lodged a complaint against the prosecutrix and after investigation the prosecutrix along with other accomplice persons have arrested. He next submits that the applicant is in jail since 23.02.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. 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.
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 applicant and further considering that the applicant is in jail since 23.02.2020, 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.
7. 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.
8. 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**