

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2610 of 2020**

- Mannulal Tarak S/o Late S.R. Tarak, aged about 45 years, R/o L.I.G. - 104, D.D. Nagar, Arang Tehsil - Arang, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Arakshi Center, Arang, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Anup Majumdar, Advocate
For Respondent	:	Shri Ayaz Naved, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****12/06/2020**

1. Heard.
2. Admit.
3. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.163/2020, registered at Police Station - Arang, District Raipur (C.G.) for the offence punishable under Section 376 IPC.
4. The allegation against the present applicant is that when the prosecutrix had gone to the applicant's clinic for treatment, he gave her pill and administered an anesthesia injection after which the girl fainted and during that period he

committed sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 17.03.2020.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix was having love affair with one Dinesh, she was maintaining physical relation with him and in the meanwhile she became pregnant. He also submits that the prosecutrix along with her parents came to his clinic for abortion which was denied by him, thereafter, they also went to a hospital at Raipur for same but due to some mishappening the abortion was not done and due to the anger of parents of the prosecutrix, a false report was made against the applicant. He also added that the applicant is in custody since 17.03.2020 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposed the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix is major, the applicant is in custody since 17.03.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.

9. Accordingly, the bail application is allowed.
10. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
11. 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 23.03.2020 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.
12. Interlocutory applications, if any, shall stand disposed of.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge