NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2592 of 2020

- Ravishanker Markam, S/o Shri Ganesh Ram Markam, Aged About 25 Years, By Caste- Gond, R/o Village- Dabgaon, Post-Ghotgaonl, P. S. & Tahsil- Nagari Civil & Revenue Distrct-Dhamtari (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station – Narharpur, Police Outpost- Dudhawa, District- North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Adv.

For Respondent/State : Mr. K. K. Singh, G. A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

18.06.2020

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. 31/2020 registered at Police Station- Narharpur, Police Outpost-Dudhawa, District- North Bastar Kanker, (C.G.) for the offence punishable under Sections 376, 376 (2) (n), 450, 506-B of IPC.
4. The prosecution story, in brief is that, prosecutrix lodged a report alleging that the present applicant came to her house and on the pretext of marriage, he committed sexual intercourse with the prosecutrix. As a result of which, prosecutrix became pregnant.

After knowing the pregnancy of the prosecutrix, applicant took her for abortion but she denied it, then applicant left her and also threatened her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

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 above 16 years and she has also filed an affidavit in support of granting bail to the present applicant. The applicant is in jail since 06.03.2020, 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 the submission made in this respect. It is submitted that the allegation against him is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the age of the prosecutrix is above 16 years and applicant is in jail since 06.03.2020 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.
9. 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.
10. 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.

11. Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge

Ruchi