

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2658 of 2020

- Yogesh Kumar Patel S/o Shri Babulal Patel, Aged About 23 Years
R/o Village - Dongaripara Ranwahi, Thana - Bhanupratappur, Civil
And Revenue District - North Baster Kanker Chhattisgarh., District :
Kanker, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, Through The Station House Officer
Police Station - Bhanupratappur, District - North Baster Kanker
Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate
For Respondent/State : Shri Sudeep Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

28.5.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.103/2019, registered at Police Station Bhanupratappur, District, North Bastar Kanker(CG) for the offence punishable under Section 376(2) (n) of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (V-A) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

3. As per the case of prosecution, the applicant has committed sexual intercourse with the prosecutrix on false pretext of marriage in February, 2018 and thereafter again on 5.2.2019.
4. Learned counsel for the applicant submits the applicant is innocent and he has not committed any offence. He submits that the applicant and the prosecutrix were in love affairs and she was a consenting party. He further submits that the prosecutrix is aged about 19 years and the applicant is in jail since 10.6.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He submits that on the date of incident, the prosecutrix was minor.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and further considering that the prosecutrix is aged above 16 years; charge sheet has been filed and trial may take some for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial

Court for his appearance before the said Court as and when directed till the disposal of the trial.

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 23.3.2020 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 rules.

Sd/

(Rajani Dubey)
JUDGE