

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2773 of 2020**

- Kapil Sharma S/o Damodar Sharma, aged about 20 years, resident of Chouraha Chhabda, Police Station Chhabda, District Bara (Rajasthan)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Korba Kotwali, District Korba (C.G.)

---- Respondent

For Applicant	:	Shri Prabhakar Singh Chandel, Adv.
For Respondent	:	Shri Sameer Sharma, Dy.G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****01/06/2020**

1. Default as pointed out by the Registry is overruled.
2. Heard.
3. Admit.
4. 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.38/2020 registered at Police Station - Korba Kotwali, District Korba (C.G.) for the offence punishable under Sections 363, 366-A, 376 IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
5. The allegation against the present applicant is that he abducted the prosecutrix, who is minor, from lawful guardianship and committed forcible sexual intercourse with

her many times. Based on this, offence has been registered. The present applicant has been taken into custody on 18.02.2020.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the age of the prosecutrix is 16 year and 4 months & in her Court statement, she has stated that she had gone to Bhopal from Korba of her own to meet the applicant. In her 164 CrPC statement, she has not stated anything against the applicant. He also submits that the applicant is in custody since 18.02.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
7. On the other hand, learned counsel for the State opposed the bail application.
8. I have heard learned counsel for the parties and perused the record.
9. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix has not supported the case of the prosecution, charge sheet has been filed and the applicant is in jail since 18.02.2020, without further commenting on merits of the case, I am inclined to release the applicant on bail.
10. Accordingly, the bail application is allowed.
11. 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, till final disposal of the trial.

12. 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde