

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2800 of 2020

- Aashish Sahu, S/o. Girwar Sahu, Aged about 24 years, Resident of Quarter No.44/DHSCL Colony, Ruabandha, Sector Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through SHO Police Station Newai, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Gautam Khetrapal, Advocate
For Respondent/State	: Shri K.K.Singh, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/06/2020

Heard on admission.

Admit.

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 59/2020 registered at police station Newai, district Durg (CG) for the offence punishable under Sections 376 (2)(N)(K), 376(2)(L), 313 and 34 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant was his close friend and was having love affair with him. It is alleged that the applicant developed physical relations with her on the pretext of marriage and when she became

pregnant he assured her for marriage. It is alleged that the applicant gave her medicine for getting aborted and also refused to marry her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that there was a delay of about five months in lodging the FIR. He further submits that the prosecutrix is major and was having love affair with him and was a consenting party. Lastly, he submits that the applicant is in jail since 22.02.2020, charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with two sureties for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing 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.

Sd/-

(Rajani Dubey)
Judge

suguna