

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2955 of 2020**

- Estfar Ansari, S/o Nisharuddin Ansari, Aged About 21 Years, R/o Boditola Maharajganj, P.S. & Tahsil- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- The Police Station- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Mr. A.N. Pandey, Advocate.
For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 49/2020 registered at Police Station - Balrampur, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 366, 376(2)(N) of IPC.
- According to the prosecution story, the father of the prosecutrix lodge the missing report before the police station alleging that on 20.03.2020 about 07:00 pm his daughter went to anywhere without any information. On 22.03.2020, the father of the prosecutrix inform to the police that his daughter is came back in her house, thereafter, police recovered the prosecutrix from her house and recorded her statement, then she has stated that the love affair with one Amit Yadav, the applicant was doing the break-up to the affair from Amit Yadav and on 20.03.2020, the applicant came in the house and committed sexual intercourse with her, due to which, prosecutrix went to the house of her uncle at village-Jataro.
- Learned counsel for the applicant submits that the applicant is innocent person and he has been falsely implicated in this

case and he has not committed any offence. He further submits that the prosecutrix stated that the love and affair with one Amit Yadav but due to malafide intention, applicant has made and accused in this case. He next contended that the applicant is in jail since 23.03.2020, therefore he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-

(Rajani Dubey)
Judge