

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2907 of 2020**

- Sumer Singh Uday S/o Ichchharam, Aged About 23 Years R/o Bari Umraon, Police Station - Pendra, District - Gourela - Pendra - Marwahi Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Painkra, Advocate.
For Respondent/State: Mr. D.K. Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.06.2020**

- 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. 139/2019 registered at Police Station - Chalgali, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 354(C) (ii), 509(B), 376(2)(n) of IPC and Section 67(A) of Information Technology Act.
- According to the prosecution story, the prosecutrix lodged a report at Police Station Chalgali, alleging therein that in the month of November, 2017, she acquainted with the applicant and the applicant assured her for marriage and on the basis of said assurances, the applicant has obtained obscene photograph of prosecutrix. Thereafter in the month of November, 2018, the applicant took the prosecutrix at Pendra to show his house. It is further alleged that the applicant is an

uneducated person and he is not doing any work, therefore she refused to marry with the applicant, due to which, the applicant has viral her obscene photograph.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that the applicant and the prosecutrix are well acquainted to each other and they want to marry with each other, but when the prosecutrix came to aware that the applicant belongs to poor family, then she refused to marry with the applicant and thereafter she lodged false and frivolous report against the applicant. He next contended that the applicant is in jail since 19.12.2019, 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

Vasant