

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2903 of 2020**

- Ajay Yadav S/o Chandrakant Yadav Aged About 23 Years R/o Bajrangipara Ward No. 09, Naila Chowki Naila, Police Station Janjgir, District Janjgir-Champa Chhattisgarh.

--- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Janjgir, District Janjgir-Champa Chhattisgarh.

--- Respondent

For Applicant : Mr. Vivek Singhal, Advocate.
 For Respondent/State : Mr. Raghvendra Verma, 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. 49/2020 registered at Police Station - Janjgir, Chowki-Naila, District- Janjgir Champa (C.G.) for the offence punishable under Sections 376 and 506-B of IPC.
- According to the prosecution story, on 08.10.2019 when the husband and children of the prosecutrix was not present at home, the applicant/accused entered in the room and committed forcefully intercourse to the prosecutrix, and also threatening to kill and circulate her video thereafter the complaint has been lodged by the prosecutrix after about three and half month later from incident.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that the prosecutrix has a consenting party and there was a love affair between the parties. He next contended that the applicant is in jail since 27.01.2020, 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

Vasant