

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3013 of 2020**

Narayan Verma, S/o Radheshyam Verma, Aged about 37 years, R/o Village Ravan, P.S. Suhela, District Balodabazar – Bhatapara (C.G.)

Applicant**Versus**

State of Chhattisgarh, Through Station House Officer P.S. City Kotwali Balodabazar, District Balodabazar-Bhatapara (C.G.)

Respondent

 For Applicant : Ms. Shivali Dubey, Advocate
 For Respondent/State : Mr. Raghvendra Verma, Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey
Order on Board

25/06/2020

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.746/2019, registered at Police Station – City Kotwali, District Balodabazar (C.G.) for the offence punishable under Section 376 (D) of IPC.
4. It is the case of the prosecution that on 13.12.2019, at about 8 p.m. the present applicant along with the co-accused namely Kamlesh Yadav, who were drunk, went to the house of the prosecutrix, there they started abuse to the prosecutrix and on denying by her both the accused assaulted her and committed sexual intercourse with the prosecutrix. Based on this, offence has been registered

against them and the present applicant namely Narayan Verma is in custody since 14.12.2019.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She further submits that the main allegation is against Kamlesh Yadav and name of the present applicant is not mentioned in the F.I.R. As the applicant is in custody since 14.12.2019, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 14.12.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local surety in like sum to the satisfaction of the

concerned trial Court for his appearance before the said Court as and when directed, till the disposal of the trial.

11. 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 23.3.2020 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

12. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge