

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3070 of 2020

Deepak Rathore, S/o- Late Shri Melaram Rathore, Aged about- 25 years. R/o- village Gatoura, Police Station- Masturi, District-Bilaspur(C.G.)

----- **Applicant**

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Sarkanda, District-Bilaspur (C.G.)

----- **Respondent**

 For Applicant : Mr. Umakant Singh Chandel,
 Advocate
 For Respondent/State : Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

15/06/2020

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.469/2020, registered at Police Station - Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 376 (2)(n), 323 of IPC.
4. It is the case of the prosecution that the prosecutrix aged about 26 years resident of village Akaltara District Janjgir-Champa lodged complaint before police station Sarkanda that alleging that in the year 2014 he got friendship with the applicant through the mobile phone and thereafter by giving assurance of marriage applicant made a physical relation with her when in the year 2018 the prosecutrix complied the applicant for marriage he denied to performed

marriage then she lodged complaint against the applicant. Based on this, offence has been registered. The present applicant is in custody since 12.05.2020.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the prosecutrix is married woman and she was never been forced for physical relationship with the applicant and she herself initiated for physical relationship, she demanded money from the applicant, when the applicant could not fulfill the demand of the prosecutrix, a false case has been lodged against him. As the applicant is in custody since 12.05.2020, 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 age of the prosecutrix, she is a major lady and considering that applicant is in jail since 12.05.2020, 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