

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3323 of 2020

Manjure alam, S/o Jan Mohammad, Aged about - 33 years,
R/o- Village Ramgarh, Police Station Sonhat, District- Koriya
(C.G.) **----- Applicant**

Versus

State of Chhattisgarh, Through- Station House Officer, Police
Station Sonhat, District- Koriya (C.G.) **----- Respondent**

For Applicant : Mr. Anil Gulati, Adv.
For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

23/06/2020

1. Default as pointed out by the Registry is overruled.
2. Heard on admission.
3. Admit.
4. 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. 22/2020, registered at Police Station – Sonhat, District- Koriya (C.G.) for the offence punishable under Sections 376 (2) (a), 506-B of the IPC.
5. It is the case of the prosecution that a report was lodged by the victim alleging in it that on 07.06.2019, when she went to Sitamani -Check-dam for performing the work of labour at that time the applicant came there and took her towards Sitapur and committed sexual intercourse with her. Based on this, offence has been registered and the applicant was arrested on 21.02.2020.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits

that as the applicant is in custody since 21.02.2020, 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.

7. On the other hand, counsel for the State opposes the bail application.

8. I have heard learned counsel for the parties and perused the record.

9. 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 21.02.2020, 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.

10. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.

11. 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.

12. 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.

13. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Nadim