

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3360 of 2020

- Narendra Kumar Patel, aged about 29 years, S/o Late Shri Ram Avtar Patel, R/o Indira Nagar, Ward No. 6 P.S. Supela, Tehsil & District Durg (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg (CG)

---- Respondent

 For Applicant : Shri Achyut Tiwari, Advocate
 For Respondent/State : Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

24.6.2020

1. The default pointed out by the Registry is overruled.
2. Heard.
3. Admit.
4. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.195/2020, registered at Police Station, Supela, District Durg (CG) for the offence punishable under Section 306 of the IPC.
5. As per the case of prosecution, the applicant has committed sexual intercourse with the prosecutrix (since died) on the pretext of marriage. It is alleged that the applicant has taken Rs.70,000/- from the prosecutrix and on 5.2.2019 the applicant performed marriage with another lady, due to which the

prosecutrix got enraged and committed suicide on 19.5.2019 by pouring kerosene on her body in the house of the applicant.

6. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the prosecutrix was aged about 35 years and she was in love with the applicant and the report has been lodged after 10 months of death of the prosecutrix. He further submits that the applicant is in jail since 14.3.2020, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the prosecutrix was a major lady; charge sheet has been filed and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
10. Accordingly, the bail 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 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 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 he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.
13. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE