

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3382 of 2020

- Deepak Banjare, S/o. Late Purushottam Banjare, Aged about 35 years, Resident of Village Harfatarai, Caste Satnami, Police Station Arjuni, Tahsil and District Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer Incharge of Police Station Arjuni, District Dhamtari, Chhattisgarh

---- Respondent

For Applicant	: Shri R.S.Patel, Advocate
For Respondent/State	: Shri Sameer Sharma, Dy. GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/07/2020

Heard on admission.

Admit.

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 55/2020 registered at police station Arjuni, district dhamtari (CG) for the offence punishable under Sections 450,456,376 & 506 IPC.

As per prosecution case, on the date of incident, at night, when the complainant was sleeping in her house, applicant knocked the door and when after a long time, when he did not stopped knocking, she opened the door. It is further case that the applicant entered and forcibly subjected her to rape.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the prosecutrix was a

consenting party. He further submits that the applicant is in jail since 29.01.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

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

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing 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), 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.

Sd/-

(Rajani Dubey)
Judge