

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3473 of 2020**

- Vikas Lakda, S/o Late Rajaram Lakda, Aged about 25 years, R/o village Udhwakathra, PS Rajpur, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – SHO, PS- Rajpur, District Balrampur- Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. Arun Kumar Shukla, Advocate.

For Respondent/State : Mr. K.K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 232/2019 registered at Police Station– Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376(2)(N), 354/34 of Indian Penal Code.
- According to the prosecution story, the applicant and the prosecutrix were well acquainted to each other and fallen on love. On the date of incident i.e. on 07.05.2019, the applicant had taken the prosecutrix to show his house and on the way, they went to a forest area, where the applicant had committed sexual intercourse with the prosecutrix, thereafter, on 09.05.2019, the applicant sent the prosecutrix to her house.
- Learned counsel for the applicant submits that the applicant is innocent person who has been falsely implicated in the aforesaid case. He further submits that the prosecutrix has not supported the prosecution case before the trial Court. He also submits that applicant and the prosecutrix were well acquainted to each other,

fallen in love and lived as husband-wife for sometimes. He next contended that the applicant is in jail since 12.11.2019, therefore, he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, the prosecutrix has not supported the prosecution case before the trial Court, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
- 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 23.03.2020 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

Vasant