

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3549 of 2020**

- Mohammad Altaf, S/o Mohammad Najir (Wrongly mentioned in impugned order Shri), Aged about 20 years, R/o Juna Bilaspur, PS City Kotwali, Tahsil & District Bilaspur (C.G.) ---- **Applicant**

Versus

- State of Chhattisgarh, Through – Police Station- City Kotwali, Bilaspur, District Bilaspur (C.G.) ---- **Respondent**

For Applicant : Mr. Dheerendra Pandey, Advocate.
 For Respondent/State : Mr. Sameer Sharma, Dy. 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. 87/2020 registered at Police Station – City Kotwali, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Sections 323 and 376 of Indian Penal Code.
- According to the prosecution story, on 04.03.2020, the prosecutrix has lodged the report before Police Station- City Kotwali in report, she had stated that her father was died, and she is residing with her brother. In the year 2017, she went to Bhunda Dam along with her friend where she meet with the present applicant, where her grandmother house, after walking at the time of return, she exchanged the mobile number with the present applicant, after two days she had come to know the applicant was gone jail, after four months the applicant was released from jail, she meet with the applicant and visited various places. On 16.03.2018 the applicant was taken the prosecutrix and goes his friend's house and he said that love with her and he also gave promise to marriage and committed sexual intercourse with the prosecutrix. Prosecutrix said for marry, now by which the applicant was blocked the mobile number of the prosecutrix and stopped the talking with the prosecutrix. On 04.03.2020 in night 09:30 pm the prosecutrix went to house of the applicant, she talking with mother of

the present applicant then the applicant came and abused her and committed *mar-pit* with belt, therefore, she lodged the report against the present applicant as per report, police has registered the aforesaid offence against the present applicant.

- 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 is consenting party and she was love with the applicant prior to two years from the date of incident. He next contended that the applicant is in jail since 11.03.2020, 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, 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge