

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3582 of 2020**

- Rajendra @ Rajju, Aged about- 40 years, S/o- Janakram Dahire, R/o- Sukli Govind, P.S. Kunda, District- Kabirdham (C.G.)
---- **Applicant**

Versus

- State of Chhattisgarh, Through Officer-in-charge of Outpost-Damapur, P.S. of Kunda, District- Kabirdham (C.G.)
---- **Respondent**

For Applicant	:	Mr. Pallav Mishra, Adv.
For Respondent/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/07/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 60/2020 registered at Police Station Kunda, District-Kabirdham (C.G.) for the offence punishable under Sections 376, 506 of the IPC.
4. The prosecution story in brief is that, the present applicant took the prosecutrix on 22.04.2020 to the field and thereby committed sexual intercourse. The prosecutrix kept by the applicant for almost 17 days to his maternal uncle's house and established several physical relation. The prosecutrix is a major lady aged about 36 years and she is mother of two children. The husband of the prosecutrix has lodged a missing report against the applicant, after investigation police arrested the applicant and recovered the prosecutrix from the maternal uncle's house of the applicant.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that prosecution has failed to produce any documents and witnesses to establish the charge against the applicant. He next submits that the

prosecutrix is a major lady and was a consenting party. The applicant is in jail since 11.05.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the age of the prosecutrix and also considering that prosecution has failed to produce any documents and witnesses to establish the charge against the applicant before trial Court and the applicant is in jail since 11.05.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 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.

Sd/-
(Rajani Dubey)
Judge