

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3580 of 2020**

- Mohan Verma, S/o Mehatru Verma, Aged about 40 years, R/o Village- Padumsara, P.S. Bemetara, District Bemetara (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station- Bemetara, District- Bemetara (C.G.)

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Adv.
For Respondent/State	:	Mr. Vimlesh Bajpai, 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 Second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 402/2019, registered at Police Station Bemetara, District- Bemetara (C.G.) for the offence punishable under Sections 376, 506, 306, 511, 34 of the IPC.
4. The prosecution story in brief is that, the applicant was committed sexual intercourse with the prosecutrix when she has made a complaint regarding his son, who has giving false assurance of marriage since 21.12.2018 to February, 2019. The applicant further committed sexual intercourse with the prosecutrix on 28.06.2019 by giving assurance of her marriage with his son, due to which, she consumed pesticide and tried to committed suicide on 29.06.2019. Based on this police has been arrested the present applicant and offence has been registered.
5. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the

crime in question. He further submits that there was love affair between the other co-accused namely Kuber Verma and the prosecutrix. He next submits that the prosecutrix is a major lady and she was a consenting party. He further submits that brother of the prosecutrix namely Ajay Verma-PW/1 admitted that prior to suicide, he beaten the prosecutrix after that she committed suicide. Learned counsel again submits that the other co-accused has already been granted bail by this Court vide order dated 06.11.2019 in MCRC No. 5712/2019 and the present applicant is in jail since 27.07.2019, therefore, the present applicant may be released on bail on the ground of parity.

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 that the other co-accused has already been released on bail and the applicant is in jail since 27.07.2019, 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

Nadim