

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3685 of 2020

- Yogesh Kumar Porte @ Bholu, S/o. Shravan Kumar Porte, Aged 20 years, R/o. Pandra Pathra, Post Belgahana, PS and district Bilaspur CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Ratanpur District Bilaspur Chhattisgarh.,

---- Respondent

For Applicant : Shri Raj Kuma Gupta, Advocate
For Respondent /State : Shri Samir Sharma,Dy.GA
For Respondent/Objector : Shri Shiv Kumar Sahu, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/08/2020

Heard on admission.

Admit.

The applicant has filed this second 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. 200/2019 registered at police station Ratanpur, district Bilaspur (CG) for the offence punishable under Sections 363,376(D) IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act.

The first bail application of the applicant was withdrawn with liberty to review the same at the appropriate stage.

As per prosecution case, report was lodged by the mother of the prosecutrix alleging that on the date of incident, when she returned

from the market after buying vegetables and did not find her 14 years old daughter, she searched out for her. It is alleged that at night when she heard some sound, opened the door and found her daughter lying unconscious. It is also alleged that she was bleeding and was taken to hospital where she informed that the applicant and two other accused persons abducted her and took her towards the forest and committed rape on her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that in the Test Identification Parade, the prosecutrix has not identified the present applicant. He further submits that the parents of the prosecutrix and she herself has no objection and they have not stated anything against the present applicant before the trial court. He submits that the applicant is in jail since 25.05.2019 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. However, counsel for the objector submits that the parents have no objection if the applicant is granted bail and have filed affidavit in support of the same.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and the fact that the prosecutrix and her parents have no objection, 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. 50,000/- 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