

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6653 of 2020

1. Dayaram Baghel S/o Kundaru Ram Baghel Aged About 32 Years Residing At Village Gudipara Village Badeamabal P.S. Bhanpuri District Bastar, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through- The Police Station Bhanpuri, District Bastar, Chhattisgarh

---- Respondent

For Applicant Mr. P.K. Tulsyan, Advocate

For Respondent /State Ms Fouzia Mirza, Addl. Adv. General

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

4/11/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.87/2020, registered at Police Station Bhanpuri, District Bastar (CG), for the offence punishable under Sections 376, 506 & 342 of the Indian Penal Code.
3. As per the material available in the case diary applicant and the brother of the prosecutrix are friends, therefore, the prosecutrix was acquainted with the applicant for the last about 5 years. Since after onset of COVID-19 Pandemic the prosecutrix used to work in the house of the applicant. From

11-8-2020 to 14-8-2020 the applicant took the prosecutrix to different places and committed sexual intercourse. During this period the prosecutrix was also taken to the Court premises and joint affidavit was notarised stating that they had married, therefore, she wants to change her surname. On 18-8-2020 the FIR was lodged alleging commission of rape. The medical report has not found any traces of recent sexual intercourse.

4. Considering the fact that the prosecutrix is a major girl, aged about 20 years, and she is acquainted with the applicant for the last about 5 years and further that she was working in the applicant's house since after onset of COVID-19 Pandemic and thus they know each other quite well as also for the fact the affidavit has been sworn during the period they stayed together from 11-8-2020 to 14-8-2020 and further considering the fact that the applicant is in jail since 19-8-2020, I am of the opinion that present is a fit case to release the applicant on regular bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
6. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri