

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 503 of 2020

- Bhagwat Jaiswal S/o Shiv Prasad Jaiswal Aged About 23 Years Resident Of Village- Bodtarakala, Chowki- Chilpi, Police Station- Lormi, District : Mungeli, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Station- Lormi, District Lormi Chhattisgarh

---- Respondent

MCRC No. 1013 of 2020

- Johnson Kumar S/o Ayodhya Prasad Nishad Aged About 19 Years R/o Village Bodtarakala, Chowki Chilp, Police Station Lormi, District : Mungeli, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lormi, District : Mungeli, Chhattisgarh

---- Respondent

For Applicants	: Ms. Saumya Sharma, Advocate
For Respondent/State	: Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/05/2020

As both these M.Cr.Cs. arise out of the same crime number they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 556/2019 registered at police

station Lormi, District – Mungeli, (CG) for the offence punishable under Sections 354, 363, 366, 506 B, 34 of IPC and Section 8 of POCSO Act.

Case of the prosecution in brief is that on 14.12.2019 father of the prosecutrix has lodged an FIR that on the previous evening his daughter went missing when she went outside to throw the water. After this incident, the father of the prosecutrix started searching her nearby his house and on being searched one Lekhram Jaiswal informed him, that his daughter was present nearby his house. When he reached, he found his daughter and she told her father that due to some previous enmity accused Bhagwat Jaiswal along with the other co-accused Johnson Nishad kidnapped her in the motorcycle. Based on this offence has been registered against them.

Counsels for the applicants submits that the applicants have been falsely implicated in the case. It is submitted that the applicants are in jail since 15.12.2019; the charge sheet has not been filed 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 applications.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of applicants' furnishing a personal bond in the sum of Rs. 25,000/- with one surety each, for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have 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), 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