

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 541 of 2020

1. Chhabilal Jangde, S/o Ramesh Jangde, Aged about 39 years,
2. Ramesh Jangde, S/o Malikram Jangde, Age about 65 years,
3. Subhash Jangde, S/o Ramesh Jangde, Aged about 32 years.

Above applicants are R/o Village Khamhariya, Police Chowki Lawan, Police Station Kasdol, District Balodabazar-Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through; It's Police Station Kasdol, Civil & Revenue District- Balodabazar-Bhatapara (C.G.)

----- Respondent

 For Applicant : Mr. Ravi Maheshwari, Advocate
 For Respondent/State : Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

25/06/2020

1. The accused/applicants have moved these first bail applications under Section 439 of the Code of Criminal Procedure for their release on regular bail during trial in connection with Crime No.05/2020, registered at Police Station - Kasdol, Civil & Revenue District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 302, 201, 506B, 34 of IPC.
2. It is the case of the prosecution that on 29.11.2019 at about 7 O'clock, his father Kanhaiya Kumar was murdered by the present applicants. It's prior Kanhaiya Kumar raised some disputes alongwith Subhash Jangde at the time of meeting at khamhariya for mediation between deceaed, then dispute was raised which was informed by manoj Kurre to Pyarelal (complainant) through telephonic, then

complainant reached from Raipur to his village at about 4 O'clock morning, where Chhabilal Jangde stopped their rent vehicle and thereafter was threatened by the Chhabilal and stated he killed his father and support them to cremation of Kanhaiya Kumar otherwise murdered to him (Pyarelal and their family) stated punishment are same whatever one murder or more. Based on this, offence has been registered. The present applicants are in custody since 04.01.2020.

3. Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that except delayed F.I.R. there is nothing against the applicants even marginal intimation and the postmortem are not included in the charge sheet. As the applicants are in custody since 04.01.2020, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 04.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on

regular bail.

7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one local surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed, till the disposal of the trial.
9. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds 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 23.3.2020 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 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 they have not furnished the bail bond earlier, then they will be required to furnish bail bond within four weeks from today.
10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge