

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 579 of 2020

- Manharan @ Monu Bariha, S/o Tiary Lal, Aged About 30 Years, Caste Binjhar, Occupation Agriculturist, R/o Village Dipapara, Rampur, Police Station and Tahsil Pithora, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Office, Police Station Pithora, District : Mahasamund, Chhattisgarh

---- Respondent

For applicant : Shri Raghvendra Pradhan, Advocate

For Respondent /State : Shri Ghanshyam Patel, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27.05.2020

The applicant has filed this 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.152/2019 registered at police station Pithora, District Mahasamund (CG) for the offence punishable under Section 302 of the IPC.

Case of the prosecution in brief is that due to some previous enmity the present applicant along with the other co-accused has committed murder of deceased Pusushottam Yadav @ Durgesh Yadav. Based on this the FIR has been lodged against them and investigation is going on.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that on the basis of memorandum, the offence has been registered against the present applicant and there is nothing adverse against him. He submits that the applicant is in jail since 10.09.2019 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.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation and the detention period of the applicant and further that except memorandum there is nothing adverse against the present applicant, 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.25,000/- 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.

Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge