

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 901 of 2020**

1. Yagya Kumar S/o Shri Gendram Satnami Aged About 27 Years R/o Village - Semariya, Thana - Palari, District - Balodabazar - Bhatapara Chhattisgarh.
2. Motilal S/o Gendram Aged About 25 Years R/o Village - Semariya, Thana - Palari, District - Balodabazar - Bhatapara Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Palari, District - Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pragalbha Sharma, Adv.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/06/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 401/2019 registered at Police Station-Palari, District-Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 307/34 of the IPC and 25, 27 of Arms Act.
2. The prosecution story, in brief is that, the complainant lodged a report that on 11.10.2019 at about 7:15 in the evening both the complainants were going to take snacks, near Nishad Auto Electricals, Sandi all the accused namely, Manoj, Rupesh, Yagya Kumar and Motilal suddenly came there and caused injuries to them with knife on stomach. Based on this, offence has been registered against the present applicants and other co-accused persons.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the sustained injuries are simple in nature and the other co-accused persons have already been granted bail

in MCRC No. 7390/2019, so, the present applicants may also be granted the benefit of bail. The applicants are in jail since 12.10.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants 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 case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the other co-accused persons have already been granted bail and the applicants are in jail since 12.10.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
8. 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 23.03.2020 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 shall be required to furnish bail bonds within four weeks from today.

**Sd/-
(Rajani Dubey)
Judge**