

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 952 of 2020**

As Mohammad, S/o Munna Ansari, Aged about 28 years, R/o Village Saraidad, Police Station Navhadta, District Rohtash(Bihar)

----- Applicant

**Versus**

State of Chhattisgarh, Through The station House Officer, Police Station Udaipur, District Sarguja (C.G.) -----

**Respondent**

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 For Applicant : Mr. Sumit Singh Rathore, Adv.  
 For Respondent/State : Mr. Dinesh Tiwari, Dy.G.A.  
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**Hon'ble Smt. Justice Rajani Dubey**  
**Order on Board**

**19/06/2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.40/2019, registered at Police Station – Udaipur, District Sarguja (C.G.) for the offence punishable under Section 302 of IPC.
2. It is the case of the prosecution that on 29<sup>th</sup> of April, 2019 at about 7.30 a.m., in Kete Parsa Kokal Mines Power Plant Area, the applicant killed the deceased by hitting him and pressing his waist from sharp teeth of the bucket from the Pockland machine, as a result of that the deceased died on the spot Based on this, offence has been registered. The present applicant is in custody since 29.04.2019.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that all the independent

prosecution witnesses have turned hostile and they have not supported case of the prosecution and as the applicant is in custody since 29.04.2019, 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 all independent witnesses have not supported the case of the prosecution and the applicant is in jail since 29.04.2019, 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 applicant 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 applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the disposal of the trial.
9. It is made clear that if the applicant has 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), he 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 he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

10. Certified copy, as per rules.

**Sd/-**

**(Rajani Dubey)**  
Judge

Nadim