

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1117 of 2020**

1. Bheem Sethiya S/o Cheenu Sethiya Aged About 23 Years R/o Sector 6, Road No. 13, Quarter No. 4-C, Bhilai District Durg Chhattisgarh.
2. Harish @ Haldhar Sethiya S/o Cheenu Sethiya Aged About 19 Years R/o Sector 4, Road No. 23, Quarter No. 14-B, Bhilai District Durg Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Bhilai Bhatthi, District Durg Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Krishna Tandon, Advocate.
For Respondent	:	Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.06.2020**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 103/2019 registered at Police Station – Bhilai Bhatthi, District Durg (C.G.) for the offence punishable under Sections 307, 34 & 201 of the IPC.
- The prosecution story in nutshell is that, on 08.06.2019, a child fell down on the ground while Aditya Singh was riding his motorcycle. On that applicants came to complainant and started hurling abuses to him. On the very next day, complainant conveyed this fact to Rajvinder Singh and Jagdish. Rajvinder Singh said to complainant for compromise with the applicant. After some time, complainant came to know that Rajvinder Singh, Jagdish and Shubham Sharma was assaulted by the applicants and other co-accused persons

with the help of knife and Gupti. Based on that, after investigation, offence has been registered against the applicants and they have been arrested.

- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that one of the co-accused namely Vishnu Sethiya has been granted bail by this Court on 16.12.2019 passed in MCRC No. 6942/2019. He next added that the applicants are in jail since 14.07.2019 and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.
- On the other hand, counsel for the State strongly opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, as 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.
- 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 said Court on each and every date given to them by the said Court.
- 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 will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu