

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1127 of 2020

- Manas Meshram @ Gadar S/o Rajesh Aged About 19 Years R/o Behind Police Station Civil Line, Magarpara, Bilaspur District Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Police Station Civil Line, District Bilaspur, Chhattisgarh. **---- Respondent**

 For Applicant : Mr. Manoj Paranjape, Advocate
 For Respondent/State : Mr. Anand Verma, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

01.06.2020

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.867/2019, registered at Police Station - Civil Line, District Bilaspur(C.G.) for the offence punishable under Sections 294, 506 & 307 of IPC.
2. It is the case of the prosecution that a complaint was lodged by Mahesh Yadav alleging therein that on 09.12.2019 at about 23.30 hrs the applicant has assaulted the complainant with help of deadly weapon, due to which the complainant had sustained grievous head injuries and was hospitalized, it was also alleged that the injuries were inflicted with the intention to cause death of the complainant. Based on this, offence has been registered. The present applicant is in custody since 15.01.2020.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in

question. He further submits that quarrel started by victim with applicant and injury sustained by the complainant is due to the self defense by the applicant. As the applicant is in custody since 15.01.2020, 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 15.01.2020, 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 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.25,000/- 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), 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 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