

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1094 of 2020

- Mohammad Wasim S/o Mohammad Wahid Aged About 30 Years R/o Sohela, Police Station- Sohela, District- Bargarh, Odisha.
- Nibas Rana S/o Bodh Ram Rana Aged About 21 Years R/o Sohela, Police Station- Sohela, District- Bargarh, Odisha.,

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Gharghoda, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Shri Sanjay Agrawal, Advocate
For Respondent/State	: Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/06/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.15/2020 registered at police station Gharghoda, district Raigarh CG) for the offence punishable under Sections 379/34 IPC and Section 4(21) of the Mines Act.

Case of the prosecution in brief is that on receiving secret information that the applicant and the co-accused are illegally

transporting coal in a truck towards Orissa for sale after committing theft from the mines, they were intercepted and arrested.

Counsel for the applicants submits that the applicants have been falsely implicated in the case. He submits that the applicants are in jail since 18.01.2020; offence is triable by Magistrate 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 detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of applicants' furnishing a personal bond in the sum of Rs. 50,000/- with one local surety each, for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have 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), 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

suguna