

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1198 of 2020

1. Rohit Kumar & Ors. S/o Late Ramlal Chandra Aged About 63 Years
R/o Village - Ulkhar, Police Station And Tahsil - Sarangarh, District -
Raigarh, C.G.
2. Uttam Chandra S/o Late Nankiram Chandra Aged About 48 Years
R/o Village - Suvatal, P.S. And Tahsil - Sarangarh, District - Raigarh,
C.G.
3. Yashoda Bai Chandra W/o Rohit Kumar Chandra Aged About 60
Years R/o Village - Ulkhar, Police Station And Tahsil - Sarangarh,
District - Raigarh, C.G.
4. Sevati Bai Chandra W/o Uttam Chandra Aged About 46 Years R/o
Village - Suvatal, Police Station And Tahsil - Sarangarh, District -
Raigarh, C.G.

---- Applicants

Versus

- State of Chhattisgarh Through, District - Magistrate, Raigarh, District
- Raigarh, C.G.

---- Respondent

 For Applicants : Mr. Awadh Tripathi, Advocate
 For Respondent/State : Mr. Sunil Otwani, Additional A.G.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

02.06.2020

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.158/2019, registered at Police Station - Kosir, District - Raigarh (C.G.) for the offence punishable under Sections 302, 294, 34 of IPC.
2. It is the case of the prosecution that on 13.11.2019 at about 10.50 AM the complainant Smt. Pitarbai Chandra has lodged report against the present applicants regarding death of deceased Puniram Chandra who were allegedly killed by them for the dispute of cutting of riped paddy crop

on disputed land. Based on this, offence has been registered. The present applicants are in custody since 13.11.2019.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as per post mortem report contusion 7x5 c.m. at Ant. Chest med clavicle on the left side, this injury came due to fallen down from the height. No any external injury on neck found therefore, the present applicants are falsely roped in crime in question. As the applicants are in custody since 13.11.2019, 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 Post Mortem report and detention period of applicants, charge sheet has been also 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 applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one local surety each 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 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.
10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge