

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1156 of 2020**

- Kapil Kesharwani S/o Durgesh Kesharwani Aged About 22 Years R/o Ward No. 20, Paithu Para, Kawardha, Police Station And Tahsil - Kawardha, District - Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through District Magistrate, Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent	:	Shri K.K. Singh, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.47/2020, registered at Police Station - Kawardha, District Kabirdham (C.G.) for the offence punishable under Sections 294, 323, 506, 456 and 436 IPC.
2. The allegation against the present applicant is that when the complainant was going to sleep, the applicant came there and started abusing the complainant which was objected by the son of complainant then the applicant broke the door of the complainant by brick and tried to press the neck of complainant's son. Further allegation is that the applicant also threatened the complainant to set her house on fire. On the very day at about 02.00 AM, the complainant saw the smoke coming out from the house, there was fire in the roof which was extinguished by the villagers. In the meanwhile, the applicant again came there and threatened the person who extinguished the fire of the house of complainant. Based on

this, offence has been registered. The present applicant has been taken into custody on 21.01.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there is no eye witness to the incident but only due to the quarrel of the applicant with the son of complainant, the present applicant has been roped in the case. He also submits that the applicant is in custody since 21.01.2020 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence, and further considering the fact that the applicant is in custody since 21.01.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the disposal of 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 23.03.2020 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 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 he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde