

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1178 of 2020**

1. Manoj Kaushik S/o Ramdulare Aged About 45 Years R/o Village - Belmundi, Police Station - Hirri, District - Bilaspur Chhattisgarh.
2. Amit Kumar S/o Manoj Kaushik Aged About 22 Years R/o Village - Belmundi, Police Station - Hirri, District - Bilaspur Chhattisgarh.
3. Urmila Bai Kaushik W/o Manoj Kaushik Aged About 40 Years R/o Village - Belmundi, Police Station - Hirri, District - Bilaspur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station - Hirri, District - Bilaspur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Manoj Mishra, Advocate.
For Respondent	:	Mr. K.K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.06.2020**

- 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. 04/2020 registered at Police Station – Hirri, District Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 324, 506, 307, 34 of the IPC.
- The prosecution story in nutshell is that, on 04.01.2020, applicant Amit Kaushik hurled abuses to the complainant namely love kumar and assaulted him with the help of 'Hasiya', due to that he sustained grievous injuries. The allegation against the Manoj Kaushik and Urmila Bai Kaushik is that they had hold the complainant when Amit Kaushik was assaulting. 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 the applicants and complainant are close relatives and there was only a little dispute between them which has been compromised by mutual consent. He further submitted that the applicants are in jail since 05.01.2020 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