

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1302 of 2020

1. Dil Mohammed Ansari, S/o. Hatim Ansari, Aged about 70 years, R/o. Village Pendarkhi, Chowki Kedma, Police Station Udaipur, District Surguja (CG)
2. Israil Ansari, S/o. Yousuf Ansari, Aged about 29 years, R/o. Village Chakeri, Chowki Kedma, Police Station Udaipur, District Surguja (CG)
3. Islam Ansari, S/o. Dil Mohammad, Aged about 45 years, R/o. Village Pendarkhi, Chowki Kedma, Police Station Udaipur, District Surguja Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through – The Station House Officer, Police Station Udaipur, District Surguja Chhattisgarh.,

---- Respondent

For Applicant	: Shri Vidhya Bhushan Soni, Advocate
For Respondent /State	: Shri Ayaz Naved, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/07/2020

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. 97/2019 registered at police station Udaipur, district Surguja (CG) for the offence punishable under Section 302/34 IPC.

Case of the prosecution in brief is that on the date of incident, when the applicants were working in their field, the deceased and her family members came there and some altercation took place between

them over the land dispute as a result of which the father of the applicants namely Yousuf Ansari assaulted the deceased with axe on his head. It is alleged that due to the assault, deceased died on the spot.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He submits that the applicants were only present on the spot and that they were not involved in the crime in question. He further submits that the applicant No.1 is aged about 70 years old and that name of applicant No.2 does not find place in the FIR. He submits that the applicants are in jail since 23.10.2019 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, the application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety 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