

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1224 of 2020**

- Tajmul Ansari S/o Sarif Ansari Aged About 20 Years R/o Muruwar, Ward No. 05, Police Station Lesalganj, District Palamu Jharkhand.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Balrampur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Kishore Narayan, Advocate.
For Respondent/State	:	Ms. Veena Nair, Dy. G.A.

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

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 159/2018 registered at Police Station : Balrampur District, Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 302, 120(B), 201, 392 of the IPC.
2. The prosecution story in brief is that the applicant along with two accused persons namely Zahoor Ansari and Sonu Kumar Bhuiya assaulted the deceased Kapil Dev with the help of knife. Based on that, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He next

submits that co-accused Sonu Kumar Bhuiya, against whom the same allegation is leveled, has been granted bail by this Court on 28.06.2019 passed in MCRC No. 3257/2019. He also added that the applicant is in jail since 19.09.2018 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. On the other hand, State counsel strongly opposes the bail application submitting that a knife has been seized from the possession of the present applicant and the present applicant along with co-accused has brutally assaulted the deceased, therefore, he may not be granted bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering that the co-accused has already been granted bail by this Court, as the applicant is in jail since 19.09.2018 and 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

8. 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.

**Sd/-
(Rajani Dubey)
Judge**