

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1323 of 2020**

- Chandrabhan Goyal S/o Shri Jhamlal Goyal Aged About 19 Years R/o Village Dumarha, Thana & Tahsil - Lorami, Civil & Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara, Chhattisgarh.

---- Respondent

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

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 10/2020 registered at Police Station - Berla, District- Bemetara (C.G.) for the offence punishable under Sections 457 and 380 of IPC.
- According to the prosecution story, on 13.01.2020, the complainant lodged the report at Police Station with the averment that on mid-night, some unknown persons have entered into her house and committed the theft of 40 Goats from his Kothar, so, on the basis of the report, the concerned police personnel registered the offence and the applicant was arrested.
- Learned counsel for the applicant submits that the applicant was falsely implicated in the alleged involvement of crime, he has neither committed any theft nor he was involved in the aforesaid offence of theft. He further submits that the co-accused person have committed theft, he was only the driver of the said vehicle in which the goats were transported. He

next contended that the applicant is in jail since 15.01.2020, therefore he may be granted bail.

- On the other hand, counsel for the State 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 applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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), 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

Vasant