

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1427 of 2020

- Babee Banjare(Wrongly Mentioned As Bajare) & Anr. S/o Shri Girdhari Banjare (Wrongly Mentioned As Gidhari) Aged About 19 Years R/o Village- Gatoura, Police Station Masturi, District Bilaspur, Chhattisgarh
- Narendra Madhukar S/o Shri Lakheshwar Madhukar (Wrongly Mentioned Lakhesar) Aged About 19 Years R/o Village- Gatoura, P.S. Masturi, District Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Masturi, District Bilaspur, Chhattisgarh,

---- Respondent

For Applicants	: Shri A. N. Bhakta, Advocate
For Respondent /State	: Shri vimlesh Bajpai, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

19/05/2020

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. 15/2020 registered at police station Masturi, district Bilaspur (CG) for the offence punishable under Section 394 and 34 IPC.

Case of the prosecution in brief is that on the date of incident, when a trailer loaded with coal, driven by the complainant reached

near Jairam Nagar, Bhilai Bhata, the applicants stopped the vehicle and threatened him to unload/dump the coal at Gataura, Ambedkar Nagar.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is further submitted that the charge sheet has been filed and the applicants are in jail since 07.01.2020 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. 50,000/- 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