

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 459 of 2020

- Sagar Bagh @ Dagi S/o Indarsan Bagh Aged About 18 Years R/o House No. 48/1, Bhatapara Bersi Road Bhilai, Tahsil And District Durg Chhattisgarh. (Wrongly Mentioned In Impugned Order Of Cause Title),

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

MCRC No. 1361 of 2020

- Rajesh Mishra @ Babu S/o Arvind Mishra Aged About 24 Years R/o Azad Chowk, Ruabandha Sector, Bhilai, Police Station Sector 6, Kotwali Bhilai Nagar, Tahsil And District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhilai Nagar, District Durg, Chhattisgarh

---- Respondent

For Applicants	: Shri Arvind Dubey and Shri B.P.Singh, Advocates
For Respondent/State	: Shri Rahul Jha, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/05/2020

As both these M.Cr.Cs. arise out of the same crime number they are being disposed of by this common order.

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. 168/2019 registered at police station Bhilai Nagar, District Durg (CG) for the offence punishable under Sections 148,341,149 and 302/149 IPC and Section 25(1-B)(B) of the Arms Act.

Case of the prosecution in brief is that on account of previous enmity with one Pawan Yadav @ Don, the applicants have assaulted with stick, baseball, bat, knife and sword resulting his death. Based on this offence has been registered against them.

Counsels for the applicants submits that the applicants have been falsely implicated in the case. It is further submitted that the injury caused to the deceased were antemortem in nature and he died due to shock and hemorrhage. It is submitted that similarly placed co-accused has been granted bail by this Court in M.Cr.C. No. 6436/2019 vide order dated 28.11.2019 and therefore the present applicants may also be granted similar benefit. It is submitted that the applicants are in jail since 07.05.2019 and 08.05.2019; the charge sheet has been filed 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 applications.

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, their applications filed under Section 439 of the Code of Criminal Procedure are

allowed.

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