

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1568 of 2020**

Badal Soni, S/o Heeralal Soni, aged about 29 years, R/o- Behind Madhu Pan Shop Nehru Chowk Camp-1, Bhilai, P.S. Chhawani, District Durg (C.G.) (In jail)

---- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, Durg (C.G.)

----Non-applicant

For Applicant	: Mr. Avinash Chand Sahu, Advocate
For Non-applicant/State	: Mr. Vikram Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

14/05/2020

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 1096/2019 registered at police Station Outpost Vaishali Nagar, P.S. Supela, District Durg (C.G.) for the offence punishable under Section 457 & 380 of the Indian Penal Code.

(2) Case of the prosecution in brief is that present applicant and other co-accused person had stolen gold & silver ornaments amounting to ₹ 1,49,000/- from the house of the complainant and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant submits that applicant has been falsely implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. He further submits that applicant has been arrested on 16.10.2019 and the charge sheet has already been filed. He also

submits that similarly situated co-accused person namely – Vishal Soni has already been granted bail by this Court and, therefore, the applicant may also be released on bail on the ground of parity.

(4) On the other hand, learned counsel for the State opposes the bail applicant

(5) Taking into consideration nature & gravity of the offence, particularly the facts that similarly situated co-accused person namely Vishal Soni has already been granted bail by this Court ; applicant has been arrested on 16.10.2019 and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court till disposal of the trial.

(7) 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.

(8) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

