

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1529 of 2020**

1. Rajesh & Anr. S/o Jawaharlal Rathore Aged About 26 Years Caste Rathore, R/o Village- Mahuda, Police Station And Tahsil- Jaithari, District- Anuppur, M.P.
2. Umesh Singh Rathore S/o Ramavatar Singh Rathore Aged About 25 Years Caste Rathore, R/o Village- Mahuda, Police Station And Tahsil- Jaithari, District- Anuppur, M.P.

---- Applicants**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Pendra, District- Bilaspur, C.G.

---- Respondent**MCRC No. 1781 of 2020**

1. Prashant Rajani & Anr. S/o Ramchandra Rajani Aged About 25 Years R/o Ward No. 18, Gourela, Police Station Gourela, District Gourela- Pendra-Marwahi Chhattisgarh.
2. Mohd. Yusuf S/o Hazi Mohammed Aged About 23 Years R/o Village Sarbahra, Tahsil Pendra Road, District Gourela-Pendra-Marwahi Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Pendra District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Ashish Gupta, Advocate
For Respondent/State	:	Dr. Veena Nair, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.06.2020**

1. Registry is directed to De-link the MCRC No.1783/2020 from the MCRC No. 1529/2020.
2. Heard on bail applications of MCRC No.1529 of 2020 and MCRC No. 1781 of 2020 which are connected with each other.
3. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 30/2020 which is same in both MCRC No.1529 of 2020 and MCRC No. 1781 of 2020. The case is registered at Police

Station-Pendra, District-Bilaspur (Now District- Pendra-Gaurela-Marhwahi) (C.G.) for the offence punishable under Sections 365, 323, 506, 34 of the IPC and 25 of Arms Act.

4. The prosecution story, in brief is that, on 03.02.2020 complainant Pappu Napit lodged a report that, he had borrowed Rs. 2,10,000/- from Narayan Rathore and had not returned it for quite some time. On 03.02.2020, the accused/applicants was come to the house of the complainant for demanding money and at about 4:30 pm forcefully took him in the jungle, there assaulted him with fist and stick, due to this complainant got injuries on knee, shoulder, back etc. Based on this, offence has been registered against the present applicants.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 03.02.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the applicants are in jail since 03.02.2020 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 applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
10. It is made clear that if the applicants have 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 shall be required to furnish bail bonds within four weeks from today.

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