

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1562 of 2020**

- Ramesh Singh S/o Buto Sing Aged About 36 Years R/o - Village Maheshwari Ps Sonor District Jamai Bihar. **---- Applicant**

**Versus**

- State of Chhattisgarh Through The District Magistrate Durg Chhattisgarh. **---- Respondent**

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 For Applicant : Mr. Avinash Chand Sahu, Advocate  
 For Respondent/State : Mr. Sameer Sharma, Govt. Advocate  
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**Hon'ble Smt. Justice Rajani Dubey**  
**Order on Board**

**04.06.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.16/2020, registered at Police Station - Bhilai Bhatthi, District Durg(C.G.) for the offence punishable under Sections 380, 120-B of IPC.
2. It is the case of the prosecution that a complaint was lodged by Ravishankar Kushwaha alleging therein that he stored 10 drums of copper wire cable inside TPL area of Bhilai steel plant and till 28<sup>th</sup> of December it was there and on 17.01.2020 they came to know that some unknown person has stolen the above copper wire cable there after during investigation police arrested the present applicant and other co-accused and the fact came that the present applicant and other co-accused have theft the above article in an organized manner and sold it to one Umendra Sankha. Based on this, offence has been registered. The present applicant is in custody since 20.01.2020.

3. Learned counsel for the applicant submits that Applicant has been falsely implicated in the crime in question. The co-accused namely Abhishek Kumar, S/o Vijay Kumar has already been released by this Court vide Order dated 13.05.2020 in MCRC No. 1396 of 2020. He further submits that as the applicant is in custody since 20.01.2020, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail on the ground of parity.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the co-accused has already been released and applicant is in jail since 20.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said

Court as and when directed, till the disposal of the trial.

9. 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 23.3.2020 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

10. Certified copy, as per rules.

**Sd/-**

**(Rajani Dubey)**  
Judge