

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1765 of 2020**

1. Bhupendra Dhruv (Thakur) alias Arya S/o Jawahar Lal Dhruv, aged about 25 years, R/o Salaoni, P.S. Palari, Teh and District Balod Bazar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Telibandha, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri L.K. Mishra, Advocate
For Respondent	:	Shri Anand Verma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.262/2016, registered at Police Station – Telibandha, Raipur (C.G.) for the offence punishable under Sections 307, 323 r/w 34 IPC and Sections 25 and 27 of Arms Act.
2. The allegation against the present applicant is that on 28.08.2016 at 5.30 pm, he along with main co-accused and two other went to see the Matkiphod event and looking for one Dinu Kashyap and when they did not find him there, they assaulted his brother injured Dheeraj. Based on this, offence has been registered. The present applicant has been taken into custody on 08.11.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the present is the supplementary charge sheet produced by the police and that other accused along with the main accused have already been tried and acquitted by the learned trial Court in the year 2018. He also submits that the present applicant is in custody since 08.11.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that other accused persons including the main accused have been tried and acquitted by the trial Court, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the disposal of 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 23.03.2020 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde