

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1541 of 2020

- Harish Dicksena S/o Sitaram Dicksena Aged About 30 Years
Cast- Kalar, R/o Mungadih, Police Station- Pali, District- Korba,
C.G.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police
Station- Pali, District- Korba, C.G.

---- Respondent

MCRC No. 1659 of 2020

- Nandu Alias Nandkishore S/o Amrit Lal Dixena Aged About 27
Years R/o Village Mungadih, Tahsil And Police Station Pali,
District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Korba, Station
House Officer, Police Station Pali, District- Korba, Chhattisgarh.

---- Respondent

For Applicants	: Shri Alok Kumar Gupta and Shri Anil Gulati, Advocate on behalf of Shri Lalit Jangde, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

19/05/2020

Heard.

M.Cr.C. No. 1659/2020 is also admitted for hearing.

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. 18/2020 registered at police station Pali, district Korba (CG) for the offence punishable under Section 394 and 34 IPC.

Case of the prosecution in brief is that on the date of incident, report was lodged by the complainant alleging that on the date of incident at night when he was going in a pickup vehicle to Anpara (UP), he was stopped by the applicants and assaulted him and looted the vegetables worth Rs. 40,980/-.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is further submitted that the applicants are in jail since 29.01.2020 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, the applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 50,000/- each with one surety 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