

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1778 of 2020**

1. Kashi Ram S/o Hariram Aged About 35 Years R/o Village- Munmuna, Police Station- Kukdur, Tehsil- Pandaria, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Ramchand S/o Ramlal Aged About 30 Years R/o Village- Munmuna, Police Station- Kukdur, Tehsil- Pandaria, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Dhaniram S/o Hariram Aged About 32 Years R/o Village- Munmuna, Police Station- Kukdur, Tehsil- Pandaria, District- Kabirdham, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station House Officer, Kukdur, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicants	:	Shri Ajay Ayachi, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy.G.A.

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

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.92/2019, registered at Police Station - Kukdur, District Kabirdham (C.G.) for the offence punishable under Sections 324, 326 r/w 34 IPC.
2. The prosecution story, in brief, is that on the date of incident i.e. on 19.07.2019, injured Rabbarideva went to graze cattle at Devsara Jungle. At about 3.00 o'clock, when he was seating under a tree and consuming food, 3-4 persons came there with lathi and assaulted him as a result of which he sustained grievous injuries on his body. Based on this, offence has been registered. The present applicants have

been taken into custody on 23.11.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He also submits that the applicants are ready to furnish adequate security and shall abide by all the directions and conditions which may be imposed by this Hon'ble Court. He further submits that the applicants are in custody since 23.11.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they 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, nature of offence and injury sustained by the complainant and further considering the fact that the applicants are in custody since 23.11.2019, charge sheet has been filed, the case is triable by Magistrate and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till the final disposal of the trial.
9. 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 will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde