

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1611 of 2020**

Sumit Ghosh, Aged 22 years, S/o Late Shri Shankar Ghosh, R/o Ramjanki Chock, Malsay Talaab, P.S. Purani Basti, Distt. Raipur, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through P.S. Purani Basti, Distt. Raipur, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Devershi Thakur, Advocate
For State :- Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/05/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 29/2020, registered at Police Station Purani Basti, District Raipur (CG), for the offence punishable under Sections 294, 506-B, 323, 327 read with Section 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that applicant and four other co-accused persons assaulted the complainant by fists and belts due to

which he suffered grievous injury and thereby, committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant is an innocent person who has not committed any offence and has falsely been implicated in the crime in question and moreover, the other four co-accused persons have already been released on bail. He would further submit that the applicant is in jail since 16/01/2020.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and pre-trial detention of the applicant and further looking to the fact that the four other co-accused persons have already been released on bail, this Court is of the opinion that present is a fit case wherein the applicant should be enlarged on regular bail as this case is similar to that of the other co-accused persons who have already been released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
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.
10. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge