

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1535 of 2020**

Omprakash @ Dagga, S/o. Shri Bhojram Sahu, aged about 28 years, R/o. Village-Mopka, Thana – Bhatapara Gramin, District – Balodabazar – Bhatapara (C.G.)
(In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station – Balodabazar, Police outpost – Karhibajar, Distt. - Balodabazar – Bhatapara (C.G.)

----Non-applicant

For Applicant	: Mr. Sunil Sahu, Advocate
For Non-applicant/State	: Mr. Jitendra Pali, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/05/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 291/2019 registered at police Station Balodabazar, Police outpost Karhibajar, Distt.- Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 457 & 380/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief is that, present applicant along with other other co-accused persons had stolen ₹ 1,80,000/- cash and gold & silver ornaments amounting to ₹ 2,00,000/-/- from the house of the complainant and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant submits that applicant has been falsely implicated in the crime in question as there is no evidence available on record to connect

the applicant with the crime in question. He further submits the applicant has been arrested on 06.02.2020 and the similarly situated co-accused has already been granted bail by this Court vide order dated 30.07.2019 passed in M.Cr.C. No.3963 of 2019 and, therefore, the applicant may also be released on bail on the ground of parity.

(4) On the other hand, learned counsel for the State opposes the bail applicant

(5) Taking into consideration nature & gravity of the offence, particularly the fact that similarly situated co-accused namely Bhupesh Soni has already been granted bail by this Court vide order dated 30.07.2019 passed in M.Cr.C. No. 3963 of 2019; and the applicant has been arrested on 06.02.2020; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court till disposal of the trial.

(7) 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.

(8) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

