

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1590 of 2020**

Himait Khan, son of Shadat Khan, aged about 26 years, caste Musalman, resident of Trikut Nagar Section 04 Jammu, Police Station Trikutnagar, District Jammu (Jammu Kashmir)

---Applicant

Versus

State of Chhattisgarh Through Police Station Baradwar, District Janjgir-Champa, Chhattisgarh

---Non-Applicant

And**M.Cr.C.No.1593 of 2020**

Raju Khunte, son of Kanhaiyalal, aged about 23 years, Caste Satnami, resident of Ward No.19, Basti Baradwar, Police Station Baradwar, Tehsil Sakti, District Janjgir-Champa, Chhattisgarh

---Applicant

Versus

State of Chhattisgarh Through Police Station Baradwar, District Janjgir-Champa, Chhattisgarh

---Non-Applicant

For Applicants	:	Mr.Rahil Arun Kochar, Advocate
For Non-applicant	:	Mr.Alok Bakshi, Addl. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/05/2020

1. Since these two bail applications have been filed against the same crime number i.e. Crime No.28/2020, they are being disposed of by this common order.

2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for release them on regular bail during trial in connection with Crime No.28/2020, registered at Police Station-Baradwar, Distt.Janjgir-Champa (CG), for the offence

punishable under Sections 454 and 380 of the IPC.

3. Case of the prosecution, in brief, is that both the applicants have stolen the property worth ₹ 42,000/- and thereby committed the aforesaid offences.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the applicants have been arrested on 22.1.2020, charge-sheet has already been filed and no useful purpose would be served by keeping them in jail.

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

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

7. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicants and material available in case diary, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of ₹ 25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. 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 23.3.2020 in the matter of In **Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu 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 bail bonds earlier, then they will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-