

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1834 of 2020

- Biselal Bharti, S/o Shri Ramdayal, Aged About 40 Years R/o Village Ghorbhatti, Police Station Kharora District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Kharora, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Rekhraj Baghel, Advocate
For Respondent/State	: Shri Dinesh Tiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 434/2019 registered at police station Kharora, district Raipur (CG) for the offence punishable under Sections 293,323,506(B), 452,307,147,148,149,34 IPC and Section 25 and 27 of the Arms Act.

Prosecution case in brief is that complaint was lodged by the complainant alleging that son of co-accused was abusing near the hand cart at village Ghorbhatti and when he was made to understand by one Vikas Verma, altercation took place. It is further alleged that the present applicant along with other villagers came holding

weapons, rod and club, assaulted the complainant and her family members and also threatened for life.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the injuries sustained by the complainant and her family members were simple in nature. He further submits that the applicant is in jail since 29.10.2019; challan has been filed; the offence is triable by the Magistrate 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 application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has 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), 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.

Sd/-

(Rajani Dubey)

Judge