

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1814 of 2020**

1. Ajay Gandharva S/o Late Shri Fakirchand Gandharva Aged About 36 Years Caste Gada, R/o Ward No. 25, Dallirajhara, Thana Dallirajhara, District Balod Chhattisgarh., District : Balod, Chhattisgarh
2. Narendra Singh @ Bittu S/o Shri Mahendra Singh Tulli Aged About 55 Years R/o Ward No. 27, Main Road, Dallirajhara, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station Incharge, Police Station Rajhara, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Respondent

For Applicants	:	Shri Arvind Shrivastava, Adv.
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****09/06/2020**

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.06/2020, registered at Police Station – Rajhara, District Balod (C.G.) for the offence punishable under Sections 506, 195-A, 34 IPC and Section 3(2)(v) of SC/ST Act.
2. The prosecution story, in brief, is that on the concerned date of incident, the applicants met the first informant Omlata Gandharv and to pressurize her to change her evidence in favour of the accused Ramchandra against whom she had lodged a report under Section 376 IPC on 20.05.2019, which is pending as Sessions Trial No.41/19 in the court of Sessions Judge (I/C FTC) Balod (C.G.). Omlata Gandharv sent a written complaint of this incident to the Superintendent of Police, District Balod which was in turn registered as Crime

No.6/2020. Based on this, offence has been registered. The present applicants have been taken into custody on 18.02.2020.

3. Learned counsel for the applicants submits that the applicants are innocent and has been falsely implicated in the case. He further submits that there is no reliable witness to the offence to prop up the alleged prosecution story. The applicant No.1 belongs to same caste i.e. of the complainant. He also submits that the detention is unfounded and illegal and is damaging the career prospects of the applicants and if not released it will irretrievably ruin their future vocational opportunities. It is also submitted that the applicants are in custody since 18.02.2020, charge sheet has been filed, the case is triable by Magistrate 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 further considering the fact that the applicants are in custody since 18.02.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them 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.
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