

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1866 of 2020**

- Vidhya Singh Parmar S/o late Bodhi Singh, aged about 51 years, Occupation Service Constable of Excise, Balrampur R/o Chittvishrampur, Post Bardar, P.S. Balrampur, District Balrampur Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Balrampur, District Balrampur Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Vikash Pandey, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.221/2019, registered at Police Station - Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 306 read with section 34 IPC.
2. The prosecution story, in brief, is that during the investigation under Excise Act, the Excise Sub Inspector Uttam Buddh Bhardwaj Police searched the house of Ramesh Mandal and seized 4.500 illicit liter liquor from his house and the information thereof was sent to his relatives, but in absence of any relatives, Ramesh Mandal has been released on bail on his furnishing personal bond and he was directed to stay at office till arrival of his relatives. Thereafter, on the next day,

Ramesh Mandal committed suicide by hanging. During investigation of Sub Divisional Magistrate, it was revealed that Ramesh Mandal died during the custody of Excise Department. Based on this, offence has been registered. The present applicant has been taken into custody on 19.02.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the present applicant has been granted anticipatory bail by this Hon'ble Court in MCRC(A) No.105/2020. He also submits that the applicant is in custody since 19.02.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he 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, quality of evidence and further considering the fact that the applicant was granted anticipatory bail in MCRC(A) No.105/2020, he is in custody since 19.02.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on

his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge