

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1786 of 2020**

- Kamal Singhaniya S/o Suresh Singhaniya Aged About 40 Years Caste- Singhaniya R/o Main Road, Gandai, Police Station- Gandai, Tahsil- Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

----Applicant

**Versus**

- State Of Chhattisgarh Through Police Station- Gandai, District- Rajnandagaon, Chhattisgarh.

---- Respondent

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| For Applicant.       | : | Mr. Sanjay Agrawal, Advocate. |
| For Respondent/State | : | Mr. Siddharth Dubey, Dy. G.A. |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****09.06.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 30/2020 registered at Police Station : Gandai, District Rajnandgaon (C.G.) for the offence punishable under Sections 294, 323, 506, 452 of the IPC.
2. The prosecution story in short is that, complainant lodged an FIR against the present applicant at the concerned police station alleging therein that on 20.02.2020, when he was at his site, where he was constructing his house/shop, with his wife, at that time, applicant came there and started arguing with regard to old dispute. Thereafter, applicant started hurling abuses and beating the complainant with the help of stick. Based on that, charge-sheet has been filed and the

applicant was arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant and complainant are real brother and due to some old dispute, he created a concocted story and implicated him. He next submits that the applicant is in jail since 20.02.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering that the applicant is in jail since 20.02.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.
8. 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.

**Sd/-  
(Rajani Dubey)  
Judge**

Vijay Sahu