

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1829 of 2020

- Bharat Kumar S/o Ramji Gandharv Aged About 19 Years R/o Atal Awas, Quarter No. 347, Ghasidas Nagar, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jamul, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Surya Kant Mishra, 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. 526/2019 registered at police station Jamul, district Durg (CG) for the offence punishable under Sections 307 & 394 IPC and Section 25 and 27 of the Arms Act.

As per prosecution case, report was lodged by the complainant alleging that on the date of incident at about 12.30 mid night, the applicant along with the co-accused armed with club and knife stopped him and his friend on the way and demanded money from them. It is stated that the applicant and co-accused assaulted them

and looted the wallet, ATM card, PAN card, ID card and cash of Rs. 600/-.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the injuries were simple in nature. He further submits that the applicant is in jail since 03.02.2020 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

suguna