

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1909 of 2020

- Ramlal Dewangan Son Of Late Sadhuran Dewangan Aged About 65 Years
- Santosh Dewangan Son Of Ramlal Dewangan Aged About 30 Years
- Laxmi Dewangan (Laxmi Niwas Dewangan) Son Of Ramlal Dewangan Aged About 38 Years
- Krishna Bai Dewangan Wife Of Ramlal Dewangan Aged About 60 Years

All are R/o Village Umreli, P.S. Urga, District Korba Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Urga, District Korba Chhattisgarh.

---- Respondent

For Applicants	: Shri N.K.Chatterjee, Advocate
For Respondent /State	: Shri Dinesh Tiwari, Dy. GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/06/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 302/2019 registered at police station Urga, district Korba (CG) for the offence punishable under Sections 294,506,323,307/34 IPC and Section 25 & 27 of the Arms Act.

Case of the prosecution in brief is that report was lodged by the complainant alleging that on account of some old dispute with his neighbour i.e. applicant No.1, some altercation took place between them and thereafter the applicants assaulted him and the family members with fists and blows as a result of which they sustained injuries.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is submitted that the injuries were simple in nature. It is further submitted that the applicants are in jail since 31.12.2019; the charge sheet has been filed 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 applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

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

It is made clear that if the applicants' have 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), 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.

Sd/-

(Rajani Dubey)
Judge