

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1856 of 2020**

- Harvansh Yadav S/o Ramvihar Aged About 36 Years R/o Village Badwar, Post Office- Govindpur, Police Station- Rumkola, Tehsil- Oodgi, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Shedule Caste Welfare Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Manish Sharma, Advocate.
For Respondent/State	:	Mr. Diddharth Dubey, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.06.2020**

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. 26/2018 registered at Police Station : Scheduled Caste Welfare Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 302, 201 & 34 of the IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The prosecution story in brief is that the son of the applicant had strangulated the deceased and after committing murder, with the help of present applicant hanged the body of the deceased on a tree to show it as suicide. Based on that, offence has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He further submits that there is no direct allegation against the applicant and if the entire case of prosecution is taken as it is, only offence under Section 201 of the IPC is made out against the applicant. The applicant is in jail since 23.10.2019 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 strongly 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, as applicant is in jail since 23.10.2019 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.

9. Certified copy, as per rule.

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

Vijay Sahu