

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2098 of 2020

1. Lala Ram Dhruw, Age about 45 years, S/o Dasru, r/o Village Patharmohda, Police Station Gariyaband, District Gariyaband (C.G.)
2. Deman Kumar, Aged about 22 years, S/o- Village Patharmohda, Police Station Gariyaband, District Gariyaband (C.G.)

Versus

State of Chhattisgarh, Through Police Station Gariyaband,
District Gariyaband (C.G.)

 For Applicants : Mr. Mohammad Afroj Athar, Advocate
 For Respondent/State : Mr. Samir Sharma, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

17/06/2020

1. This is the first bail application of the applicant No.1 and Second bail application of the applicant No.2 under Section 439 of the Code of Criminal Procedure for their release on regular bail during trial in connection with Crime No.04/2019, registered at Police Station Gariyaband, District Gariyaband (C.G.) for the offence punishable under Section 420, 34 of IPC.
2. It is the case of the prosecution that a written complaint was lodged by Shital Das Manikpuri against the applicants and co-accused Salim @ Madar Khan alleging that the applicants and co-accused Salim @ Madar Khan induced complainant Shital Das Manikpuri and some other persons to give around 19,83,500/- in the name of securing Govt. Job in the Indian Railway. Based on this, offence has been registered. The present applicants are in custody since

28.04.2019.

3. Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that as the applicants are in custody since 28.04.2019, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicants are in jail since 28.04.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.50,000/- with one local surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed, till the 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 23.3.2020 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if they have not furnished the bail bond earlier, then they will be required to furnish bail bond within four weeks from today.

10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge