

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2005 of 2020

- Awadesh Singh Rajput S/o Birendra Singh Rajput Aged About 28 Years R/o Ward No. 08, Shanti Nagar, Kumhari, District Durg, Chhattisgarh.
- Pawan Sonkar S/o Vijay Sonkar Aged About 24 Years R/o Ward No. 08, Shanti Nagar, Kumhari, District Durg, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicant	: Shri Lav Kumar Teke, Advocate
For Respondent/State	: Shri Dinesh Tiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

11/06/2020

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. 37/2020 registered at police station Kumhari, district Durg (CG) for the offence punishable under Sections 452,294,506,323, 324, 427, 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 the date of incident, at about 12.30 midnight, the applicant and other co-accused persons abused him and his family members. It is alleged that they have also assaulted them

with knife and iron pipe and damaged his hotel/dhaba.

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 parties have settled their dispute outside the court. It is further submitted that the applicants are in jail since 10.02.2020; 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 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

suguna