

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1624 of 2020**

Vijay Gupta, S/o Shiv Prasad Gupta, aged 45 years, Caste- Sawara,
Occupation- Agriculture, R/o Village – Kudekela, P.S. - Chal & Tahsil –
Dharamjaigarh, District Raigarh (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, through – SHO – P.S. - Chal, District Raigarh (C.G.)

----Respondent**M.Cr.C. No. 1931 of 2020**

1. Rakesh Gupta, S/o Shri Shiv Prasad Gupta, aged 35 years,

2. Pravin Gupta, S/o Abhimanyu Prasad Gupta, aged 42 years,

Both are R/o Village – Kudekela, P.S.- Chal & Tahsil Dharamjaigarh, District Raigarh (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, through – SHO – P.S. - Chal, District – Raigarh (C.G.)

----Respondent

For Applicants	: Mr. Ishwar Jaiswal, Advocate.
For Respondent/State	: Mr. Adil Minhaj, Govt. Advocate.
For Objector	: Mr. Jai Prakash Shukla, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/05/2020**

(1) Above mentioned two bail applications under Section 439 of the Code of Criminal Procedure arise out of a common Crime No. 22/2020, registered at Police Station Chal, District Raigarh, for the offence punishable under Sections 190, 294, 323,

427, 458 & 506 /34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief is that, applicants along with other co-accused persons entered into the house of the complainant and threatened him not to interfere with the election, in which one co-accused was contesting and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicants submit that applicants have been falsely implicated in the crime in question as they have not committed any offence. He further submits that the applicants are in custody since 09.02.2020, 26.02.2020 & 24.02.2020; no useful purpose would be served in further keeping them in jail and as the trial is likely to take some time for its final disposal, the applicants may be released on bail.

(4) Per contra, counsel for the State would oppose the bail application.

(5) Learned counsel for the Objector would strongly oppose bail application.

(6) Taking into consideration the nature and gravity of the offence, in particular the fact that applicants are in custody since 09.02.2020, 26.02.2020 & 24.02.2020 respectively; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail applications are allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

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

(9) Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

