

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1934 of 2020**

- Ramsay Kashyap, aged about 19 years, S/o Shri Mohanlal Kashyap, R/o village Semariya, P.S. Birra, District Janjgir-Champa, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through District Magistrate, District Janjgir-Champa, Chhattisgarh.

**---- Respondent**


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| For Applicant  | : | Shri Ashutosh Trivedi, Adv.    |
| For Respondent | : | Shri Siddharth Dubey, Dy. G.A. |

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**Hon'ble Smt Justice Rajani Dubey****Order on Board****11/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.48/2019, registered at Police Station – P.S. Birra, District Janjgir-Champa (C.G.) for the offence punishable under Sections 147, 294, 506(B), 302, 186 and 352 IPC.
2. The prosecution story, in brief, is that 06.05.2019, an accident took place near Taldevri-Semriya turn by the Scorpio vehicle which was being driven by Prakash Bharti in which two villagers died on the spot. Thereafter, the mob present there assaulted Prakash Bharti with club, hands and fists & belt as a result of which he succumbed to his injuries. Further case is that the mob present there also assaulted Siyaram Yadav, Head Constable and his official work

obstructed by them, and according to the prosecution, present applicant was also involved in the same. Based on this, offence has been registered. The present applicant has been taken into custody on 13.05.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there is no specific allegation against the present applicant and he has been roped in the case only on suspicion. He also submits that vide order dated 13.02.202 and 28.02.2020 passed in MCRC No.8176/2019 and 8493/2019, 8497/2019 and 624/2020 respectively, most of the accused persons have been granted bail by this Hon'ble Court. It is next submitted that the present applicant is in custody since 13.05.2019, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that CCTV footage of the incident clearly reveals the fact that there was active participation of the applicant in the incident.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that other co-accused persons have already been granted bail, the applicant is in custody since 13.05.2019, charge sheet has been filed and the trial is likely to take some time, without further

commenting on merits of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
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 23.03.2020 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 they will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

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