

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1965 of 2020

- Ram Prakash Painkra S/o Heera Sai Painkra, Aged About 31 Years Caste Kanwar, R/o Village Sanwla, Police Station - Khadgawa, Tahsil - Khadgawa, District Koriya Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Of Police Station - Khadgawa, District - Koriya Chhattisgarh.,

---- Respondent

For Applicant	: Shri Akhtar Hussain, Advocate
For Respondent /State	: Shri Siddarth Dubey, Dy.GA

Hon'ble Smt. Justice Rajani Dubey
Order On Board

11/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 134/2018 registered at police station Khadgawa, district Koriya(CG) for the offence punishable under Section 302 IPC.

As per prosecution case, report was lodged by the complainant alleging that on the date of incident, when he was returning from his workplace, he saw his neighbour was lying unconscious and he was informed that the applicant has assaulted the injured with bricks.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the independent witnesses have not supported the prosecution case. He further

submits that the applicant is in jail since 05.10.2018 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 applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has 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), 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.

Sd/-
(Rajani Dubey)
Judge