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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2877 of 2020**

- Deenuram @ Diniram Joshi, aged about 57 years, S/o Shri Baliram Joshi, R/o village Ghorbhatthi, Police Station Kharora, Tahsil & District Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through-Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh

---- Respondent**And****MCRC No. 2887 of 2020**

1. Shankar Lal aged about 28 years, S/o Shri Ganesh Ram Ghritlahare, R/o village Ghorbhatthi, Police Station Kharora, Tahsil & District Raipur, Chhattisgarh
2. Jokadi @ Dukaalha aged about 55 years, S/o late Shyamratan, R/o village Ghorbhatthi, Police Station Kharora, Tahsil & District Raipur (C.G.)

---- Applicants**Versus**

- State Of Chhattisgarh Through-Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh

And**MCRC No. 2884 of 2020**

- Tumman Joshi, aged about 31 years, S/o Shri Deenu Joshi, R/o village Ghorbhatthi, Police Station Kharora, Tahsil & District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through-Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Smt. Smita Jha, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.06.2020**

1. As both aforesaid MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.434/2019 registered at Police Station - Kharora, District Raipur (C.G.) for the offence punishable under Sections 294, 323, 506B, 452, 307, 34, 147, 148, 149, 325 IPC and Sections 25 & 27 of Arms Act.
3. Prosecution story, in brief, is that a complaint was lodged by the complainant alleging therein that son of applicant in MCRC No.2877/2020 was abusing near the hand cart at village Ghorbhatti and when he was made understand by one Vikas Verma, some altercation took place. It is further alleged that the present applicants along with other co-accused persons came holding weapons like rod and club, assaulted the complainant and her family members and also threatened her for life. Based on this, offence has been registered. The applicants in MCRC Nos. 2877/2020, 2887/2020 are in custody since 19.11.2019 and applicant in MCRC No.2884/2020 is in custody since 11.11.2019.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in

question. She further submits that the injuries sustained by the complainant and her family members were simple in nature. She also submits that co-accused namely Biselal Bharti in MCRC No.1834/2020 has already been granted bail by this Hon'ble Court, vide order dated 09.06.2020. She also submits that as the applicants are in jail for more than six months, charge sheet has been filed and the trial is likely to take some time for its final disposal, they may be released on bail.

- 5.** On the other hand, counsel for the State opposes the bail applications.
- 6.** Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that co-accused has already been granted bail, the applicants are in jail for more than six months and the trial is likely to take some time, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
- 7.** Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with two sureties 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.
- 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 23.3.2020 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

9. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

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