

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2912 of 2020**

- Yogesh Kumar Singh @ Shambhu Khairwar S/o Shri Gayatrilal Khairwar, Aged About 27 Years R/o Village Jairam Nagar, Kachar, Police Station Masturi, District Bilaspur Chhattisgarh. At Present R/o Hanuman Chowk Gharghoda, Tehsil Ghargoda, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Punji Pathra Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Bhaskar Pyasi, Advocate.
For Respondent/State	:	Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.06.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 12/2020 registered at Police Station : Punji Pathra, Raigarh, District Raigarh (C.G.) for the offence punishable under Sections 420, 467, 468, 120-B, 379, 201 read with Section 34 of the IPC.
2. The prosecution story in brief is that, the applicant along with other co-accused persons conspired for the illegal transportation of coal through trailer bearing Registration No. OD 15 G 1549 and C.G. 15 G 5001 from Jampali Coal Mines and transported 71 Metric Tonnes of Coal from the mines amounting to Rs. 1,84,000/-.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He next submits that the other co-accused person have already granted bail by this Court on 15.05.2020 & 26.05.2020 passed in MCRC Nos. 2678/2020 & 1896/2020 respectively. The applicant is in jail since 26.02.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering that the other co-accused have already been granted bail by this Court, as applicant is in jail since 26.02.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

8. 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 he will be required to furnish bail bonds within four weeks from today.

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