

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3004 of 2020**

- Avinash Verma, S/o Yawan Kumar Verma Aged About 25 Years
Village - Charoda, Police Station - Dharsiwa District - Raipur,
Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : SHO, Police Station
Dharsiwa, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. L. K. Mishra, Adv.
For Respondent/State	:	Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12/06/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 24/2020 registered at Police Station Dharsiwa, District-Raipur (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 307 and 506 of the IPC.
4. The prosecution story in brief is that, on 11.01.2020 one Rajkumar Mahto lodged a dehati Nalis that on 10.01.2020 he went to Charoda Mela and at about 7:30 pm., the applicant lost his mobile phone in the crowd which was picked by some other person and on suspicion the applicant alleged that the complainant had taken the phone and quarrelled with him over the same. On 11.01.2020 at about 10:10 am., the applicant along with other co-accused persons went to the complainant's house, abused and assaulted him saying that he had taken the mobile of the applicant. During this quarrel, another co-accused Satyam Verma and Bhupendra Verma assaulted the complainant with knife on his back and face

whereas rest of the co-accused including the applicant assaulted him with hands and fists. Based on this offence has been registered against the present applicant and other co-accused persons.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the other co-accused persons have already been granted bail in MCRC Nos. 1722/2020, 1735/2020, 2148/2020 and 2167/2020, therefore the present applicant may also be granted benefit of bail. He next submits that the applicant is in jail since 11.01.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, the applicant along with other co-accused persons has assaulted to the complainant, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the other co-accused persons have already been granted bail and the applicant is in jail since 11.01.2020, 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.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 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 he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

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

H.L. Sabu