

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2180 of 2020**

- Ripan Sadiyal son of Ramesh Sadiyal, aged about 32 years, R/o PV-40 years, R/o Pakhanjur, P.S. Pakhanjur, District North Bastar Kanker (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Pakhanjur, District North Bastar Kanker (C.G.)

---- Respondent

For Applicant	:	Shri Mukesh Shrivastava, Advocate
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/06/2020**

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.114/2014, registered at Police Station – Pakhanjur, District North Bastar, Kanker (C.G.) for the offence punishable under Sections 307 IPC.
2. The allegation against the present applicant is that when the complainant was going to his shop, the present applicant shot gun fire on him which hit his shoulder. During investigation, the applicant has been interrogated, his memorandum statement was recorded which revealed that the weapon (country made pistol) used in the commission of offence has been thrown in the floating water of Narangi river. Based on this, offence has been registered. The present applicant has been taken into custody on 27.06.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that only on the memorandum statement, the present applicant has been arrested and no seizure

whatsoever has been made from him. He also submits that vide order dated 02.01.2020 passed in MCRC No.7074/2019, co-accused person has already been released on bail. The present applicant is in custody since 27.06.2019, 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 there is extra-judicial confession of co-accused in the case.
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, quality of evidence, and further considering the fact that co-accused person has already been granted bail by this Court vide order dated 02.01.2020 passed in MCRC No.7074/2019, the present applicant is in custody since 27.06.2019, 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, till the final disposal of the trial.
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

Pekde