

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2688 of 2020**

Shahil Banjare, Aged about 18 years, R/o Bhagwan Das Banjare, R/o Village Lauda (wrongly written as Lounda) P.S. Pathariya, District Mungeli (C.G.) ----- **Applicant**

Versus

State of Chhattisgarh, Through: The Station House Officer, P.S. Pathariya, District Mungeli (C.G.) ----- **Respondent**

 For Applicant : Mr. Uttam Pandey, Advocate
 For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

25/06/2020

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.428/2019, registered at Police Station - Pathariya, District Mungeli (C.G.) for the offence punishable under Sections 452, 323, 294, 324, 302/34 of IPC.
2. It is the case of the prosecution that the main accused Shikander Banjare on 22.12.2019 entered into the house of the deceased Jwala Prasad Tandan, who is the paternal uncle of the accused, entered straightway in his kitchen, picked up a knife from there, which is used in cutting the vegetables and pierced it in the stomach of the deceased and the relatives like wife, daughter etc., who came in the rescue, also suffered minor injuries, the deceased was lifted to the hospital, where the doctor declared him as brought dead. Thereafter, father of the deceased lodged report at police station Pathariya at about 8.35 p.m. where the

offence registered against the present applicant. The present applicant is in custody since 25.12.2019.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that name of the present applicant is not mentioned in the F.I.R. As the applicant is in custody since 25.12.2019, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 25.12.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said

Court as and when directed, till the 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 23.3.2020 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.

10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge