

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2242 of 2020**

- Vijay Jain, S/o Subhash Jain, Aged About 43 Years, R/o Dallirajhara, Police Station - Dallirajhara, District- Balod, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Rajhara, District- Balod, Chhattisgarh.

---- Respondent

with**MCRC No. 2304 of 2020**

- Deepak Mittal S/o Subhash Chand Aged About 46 Years R/o New Market, Ward No. 4, P.S. Rajhara, Taluka-Doundi, District- Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Rajhara, District- Balod, Chhattisgarh.

---- Respondent

For Applicants : Shri Goutam Khetrapal, Adv.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.06.2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No.

125/2020 registered at Police Station- Rajhara, District- Balod, (C.G.) for the offence punishable under Sections 294, 323, 342, 365, 395, 506 of I.P.C.

3. The prosecution story, in brief is that, on 09.03.2020 at about 7.00 PM, while complainant along with his friend Chumman were going to return the loan amount of Rs 3,000/- to co-accused Vikas Mittal (Juvenile), while the complainant was returning the amount, the co-accused namely Vikas Mittal abused the complainant and also assaulted him with the help of other co-accused persons. Thereafter, offence has been registered against the present applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that other co-accused persons have been granted Ad-interim anticipatory bail in MCRCA Nos. 509/2020 and 511/2020. So, the present applicants may also be granted benefit of bail. The applicants are in jail since 10.03.2020 there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the facts that the applicants are in jail since 10.03.2020, 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 applicants on bail. Accordingly, the application is allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each

and every date given to them by the said Court.

9. 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 23.03.2020 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 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

10. Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge

Ruchi