

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2224 of 2020**

- Falendra Kurre S/o Dilip Kurre, aged about 23 years, R/o Nayak Bandha, P.S. Abhanpur, The. And District Raipur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Abhanpur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri L.K. Mishra, Advocate.
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/06/2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.581/2019 registered at Police Station – Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 294, 506, 323, 307, 34 of the IPC.
2. According to the prosecution story, the complainant was served notice for evacuating a piece of government land illegally acquired by him adjacent to his shop allotted by the gram panchayat. On the date of incident the applicant was sitting along with two other native persons and a sudden quarrel occurred between the applicant and the complainant, thereafter, the complainant called six other persons including his son Bhudhar Sahu and Shivam Sahu. It is alleged that during the said quarrel, the applicant assaulted Shivam and

Bhudar with knife. Based on this, offence has been registered against the applicant. The present applicant is in custody since 07.11.2019.

3. Learned counsel for the applicant submits that on account of enmity he has been falsely implicated in the case. He further submits that as the applicant is in custody since 07.11.2019, charge sheet has been filed and the trial is likely to take some time for its final disposal, he may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the detention period, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed. 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 solvent 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.
7. 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.

8. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

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