

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2885 of 2020**

- Santosh S/o Late Chedilal Aged About 60 Years Caste Gupta R/o Village Hardibajar Out Post Hardibajar District - Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Out Post Hardibajar Police Station - Kusmunda, District Korba Chhattisgarh.

---- Respondent

For Applicant : Ms. Indira Tripathi, Advocate.
 For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.06.2020**

- The accused/applicant has moved his 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. 08/2020 registered at Police Station - Kusmunda, District- Korba (C.G.) for the offence punishable under Sections 379 of I.P.C. and 41(1-4) of Cr.P.C.
- According to the prosecution story, on 15.03.2020 a secret information has been received in the out post Police of Hardibajar that a person resided at Hardibajar named as Santosh Gupta has placed a copper in his bag and intending to go to Bilaspur, waiting the Bus stand at College Chowk. That by such information the concerning Police Station proceeded on the spot along with his staff members and found the person having waiting for Bus and by making queries a copper has been found in the bag which the applicant told that the said copper weighing as 10 kilogram has been purchased by him from the seller Shivram resided at Village Purta for a consideration of Rs. 10,000/- and out of which 2 kilogram has been placed at his utensil shop and rest 8 kilogram he intends to take for selling at Bilaspur. That by

demanding the valid document for possession of said substance the applicant accused Santosh has not produced any document to the concerning Police of out Post of Hardibajar, for which the concerning Police of out Post Hardibajar has seized the substance in presence of witnesses and arrested the applicant on 15.03.2020 in connection of offence under Section 379 of IPC and Section 41 (1-4) CrPC.

- Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in the instant case.
- No any person has given report regarding theft of copper substance and the police has suspected the accused as theft of copper substance and arrested the appellant.
- The applicant is a Junk Dealer (Kabadi Wala) and he has purchase the junk and scrap material by wandering on the street and door to door and sale to the main market and thereby earn livelihood for his family members.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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), 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.

Sd/-

(Rajani Dubey)
Judge

Vasant