

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2262 of 2020**

- Nandram Yadav S/o Late Shri Banshilal Yadav, aged about 60 years, R/o Ward No.7, Kargiroad Bazarpara, P.S. Kota, District Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station - Kota, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Yatharth Singh, Advocate.
For Respondent	:	Shri Ravindra Verma, 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.65/2020 registered at Police Station - Kota, District Bilaspur (C.G.) for the offence punishable under Sections 302, 34 of the IPC.
2. Allegation against the present applicant is that when a quarrel took place between the complainant and deceased on a trivial issue, the present applicant caught hold the deceased from behind and it is alleged that other accused persons namely Tushar Yadav assaulted the deceased with club as a result of which deceased died next day. Based on this, offence has been registered. The present applicant is in custody since 22.02.2020.

3. Learned counsel for the applicants submits that on account of enmity he has been falsely implicated in the case. He further submits the present applicant is aged about 60 year, only allegation against him is that he caught hold the deceased from behind and the main allegation is against other co-accused persons. He also submits that according to medical report, the cause of death of deceased is cardiac arrest. He next submits that as the applicant is in custody since 22.02.2020 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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