

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2377 of 2020**

- Mahesh Patil S/o Jaylal Patil Aged About 20 Years R/o Village - Bhimbhauri, Police Station - Sahaspur Lohara, District - Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through - Station House Officer, Out Post - Kawardha, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent	:	Shri Sameer Sharma, Dy.G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/05/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.540/2019, registered at Police Station - Kawardha, Out Post Charbhatha, District Kabirdham (C.G.) for the offence punishable under Sections 397, 212 and 214 read with section 34 IPC.
2. The prosecution story, in brief, is that when complainant Gayabai was working in her field, the present applicant along with other co-accused person came their on motorcycle and asked the way to Charbhata. The present applicant along with other co-accused stayed there and started consuming liquor which they had kept with them. When complainant

went to field to pluck ground nut, the applicant caught hold of her, gagged her mouth, cut her ear with blade and looted golden ear ring amounting to Rs.30,000/-. Based on this, offence has been registered. The present applicant has been taken into custody on 01.01.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there is allegation against the applicant that he looted golden ear ring of the complainant but no seizure whatsoever has been made by him. He also submits that the present applicant is in custody since 01.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 01.01.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with

one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final 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 23.03.2020 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 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 he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge