

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2365 of 2020

1. Lucky @ Bodh Sahu, S/o. Balram Sahu, Aged about 20 years, R/o Village Jhanda, Police Station Kota, District Bilaspur Chhattisgarh.
2. Yogesh @ Daddu Sahu, S/o. Ram Prasad, Aged about 20 years, R/o. Village Nevra, Police Station Kota, District Bilaspur (CG)
3. Jalil Khan, S/o. Jamin Khan, Aged about 27 years, R/o Village Jhanda, Police Station Kota, District Bilaspur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through – The Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh.,

---- Respondent

For Applicant : Shri Dharmesh Shrivastava, Advocate
For Respondent /State : Shri Samir Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/06/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 108/2020 registered at police station Kota, district Bilaspur (CG) for the offence punishable under Sections 452,294,307,34,427,147,148 and 149 IPC.

Case of the prosecution in brief is that report was lodged by the complainant alleging that when he was standing on the road at about 3.00 p.m., the applicants came there, started abusing him and

thereafter assaulted him with hands, fists, wooden plank, iron rod and hockey stick as a result of which he sustained injuries.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He submits that the applicants are in jail since 11.03.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, the application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnishing 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

suguna