

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2612 of 2020**

1. Basan Bai Mandavi W/o Vijay Madavi Aged About 35 Years R/o Mahatma Gandhi Ward, Dhamtari, District Dhamtari, Chhattisgarh.
2. Sonti Bai Mandavi W/o Bhojram Mandavi Aged About 32 Years R/o Mahatma Gandhi Ward, Dhamtari, District Dhamtari, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. Prasoon Agrawal, Advocate.
For Respondent/State	:	Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.05.2020**

1. Heard.
2. Admit.
3. The default as pointed out by the Registry is overruled.
4. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 88/2020 registered at Police Station -City Kotwal Dhamtari, District Dhamtari (C.G.) for the offence punishable under Sections 386, 420 read with Section 34 of the IPC.
5. The prosecution story in brief is that on 21.02.2020, the complainant lodged an FIR at the concerned police station alleging therein that by playing fraud and by misrepresenting they had grabbed some money and also the gold ornaments from the complainant and despite the repeated request, they have not returned the money and golden ornaments. Based

on that, after investigation, offence has been registered against the applicants and they have been arrested.

6. Learned counsel for the applicant submits that the applicants are innocent and have been falsely implicated in the case. He next submits that applicants are lady and are in jail since 22.02.2020 and they are ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicants may be released on bail.
7. Per contra, State counsel opposes the bail application.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering that the offence is triable by Judicial Magistrate First Class as the applicants are in jail since 22.02.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
10. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one surety in the like sum to the satisfaction of the trial Court. They directed to appear before the said Court on each and every date given to them by the said Court.
11. It is made clear that if the applicants have 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**

Vijay Sahu