

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2928 of 2020**

- Mahendra Kumar Sahu, S/o Balram Sahu, Aged About 42 Years, R/o Village Prasada, Kumhali, Thana Newai District- Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate, Durg District- Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Adv.
For Respondent/State	: Ms. Suneeta Jain, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.06.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 193/2020 registered at Police Station- Newai, District- Durg, (C.G.) for the offence punishable under Section 420 of IPC.
4. The prosecution story, in brief is that, the present applicant appeared before the court of learned J.M.F.C. Durg to furnish bail bond of his near and dear with original document and on that date, the accused was not appeared before the Court thereafter, the learned Court below showed the photograph of the accused to the present applicant but he failed to identify the said photograph. Therefore, the learned Court below accused the present applicant for committed fraud. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
5. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the crime in question. He further submits that offence has been triable by the Judicial Magistrate First Class. The applicant is in jail since 07.03.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegation against him is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that offence has been triable by the Judicial Magistrate First Class. The applicant is in jail since 07.03.2020 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 applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
10. 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.
11. Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge