

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2901 of 2020**

- Shivshankar Chandra, S/o Firatram Chandra, Aged About 46 Years, R/o Village Borsi, P.S.- Birra, District- Janjgir-Champa Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through Police Station- Birra, District- Janjgir-Champa, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Ravindra Sharma, Adv.

For Respondent/State : Mr. Raghavendra Verma, G.A.

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****04.06.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 48/2019 registered at Police Station- Birra, District- Janjgir-Champa, (C.G.) for the offence punishable under Sections 147, 294, 323, 427, 186, 353, 302 and 506 (b) of IPC.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses in MCRC No. 931/2020 vide order dated 13.02.2020.
5. The prosecution story, in brief is that, on 06.05.2019, the vehicle Scorpio, which was driven by the deceased met with an

accident, due to which two persons died on the spot. Thereafter, the mob who present of the spot, stopped the vehicle of the deceased and assaulted him as a result of which deceased died during treatment. Thereafter, offence has been registered against the present applicant and other co-accused persons and he has been taken into custody.

6. 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 the prosecution witnesses turned hostile and the other co-accused persons have been granted bail in MCRC Nos. 8176/2019, 8493/2019, 8497/2019 and 624/2020 by coordinate bench and trial Court. The applicant is in jail since 02.01.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. 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.
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 the facts that the prosecution witnesses turned hostile and the other co-accused persons have been granted bail in MCRC Nos. 8176/2019, 8493/2019, 8497/2019 and 624/2020 by this Hon'ble Court and trial Court. The applicant is in jail since 02.01.2020, 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.
10. 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.

11. 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.

12. Certified copy, as per rule.

Sd/-  
(Rajani Dubey)  
Judge

Ruchi