

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3708 of 2020

1. Ramkumar Aamro S/o Sambhar Singh Aged About 35 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
2. Subhag Singh Gond S/o Jairam Singh Gond Aged About 52 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
3. Dinesh Kumar Gond S/o Kailash Singh Gond Aged About 24 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
4. Rohit Kumar S/o Sakharam Aged About 40 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
5. Krishan Kumar Yadav S/o Kungram Yadav Aged About 25 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
6. Ramsingh Baiga S/o Keju Baiga Aged About 75 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
7. Santram Gond S/o Sakharam Gond Aged About 44 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
8. Amar Singh Baiga S/o Samaru Baiga Aged About 36 Years R/o Village Nivaskhar, Tahsil Lormi, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Lormi,
District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

For Applicants	:	Shri Amit Kumar Sahu, Advocate
For State	:	Shri Sudeep Agrawal, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/08/2020

Heard on admission.

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 229/2020 registered at Police Station-Lormi, District-Mungeli (C.G.) for the offence punishable under Sections 294, 323, 506B, 186, 188, 147, 148, 149, 354, 341, 342, 353 and 427 of the IPC.
2. The prosecution story, in brief is that, on 02.05.2020 complainant Hitesh Kumar Thakur, who is working as Forest Ranger, lodged a report that in the forest area of Achanakmar Tiger Reserve, CCTV footage of some villagers were recorded with arrow, bow and axe. Based on this, the forest officer constituted a team of 20 members for inspection who went to village Nivaskhar. During inspection, the said articles have been recovered from the applicants. Thereafter, the forest officers captured the persons namely Ramprasad, Amae Singh and Ramcharan. After that, the applicants assaulted the officers using filthy language and they also tried to outrage modesty of a lady police staff. Based on this, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the sustained injuries are simple in nature and the applicants are in jail since 04.05.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the offence has been committed during the lock-down period, therefore, they may not be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that all the offence are triable by Judicial Magistrate First Class, the applicants are in jail since 04.05.2020 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.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
8. 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 shall be required to furnish bail bonds within four weeks from today.

Sd/--
(Manindra Mohan Shrivastava)
Judge