

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2906 of 2020

- Shahabuddin Ansari, S/o. Makbul Ansari, Aged about 24 years
- Safruddin Ansari, S/o. Makbul Ansari, Aged about 19 years,
Both R/o. Village Deodih, Post Amdiha, Police Station Karmatar-
Deodih, District Amdiha-Jamtara, Jharkhand

---- Applicants

Versus

- State Of Chhattisgarh, Through –Office Incharge, Police Station
Civil Lines, District Bilaspur, Chhattisgarh.,

---- Respondent

For Applicants : Shri Sanjeev Kumar Sahu, Advocate
For Respondent /State : Shri Raghavendra Verma, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/07/2020

The applicants have filed this second 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. 104/2019 registered at Police Station Civil Lines, District Bilaspur (CG) for the offence punishable under Sections 420,34 IPC and Section 66 of the IT Act.

The first bail application of the applicants was dismissed as withdrawn with liberty to file at the appropriate stage. Thereafter, the applicants were granted temporary bail vide order dated 04.06.2020 for a period of one month i.e. till 30.06.2020. It is submitted by counsel for the applicant that the applicant could not surrender before the concerned court due to corona virus outbreak and he was given the

date of appearance on 07.08.2020.

Case of the prosecution in brief is that report was lodged by the complainant alleging that the applicants have cheated them for a sum of Rs. 47,994/- by sending communication through mobile.

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 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. 1,00,000/- each with one local 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