

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3286 of 2020

1. Abdul Gani, S/o. Abdul Latif Ansari, Aged about 26 years, R/o Mominpara, Raipur Police Station Azad Chowk, District Raipur Chhattisgarh.
2. Mohammad Imran, S/o. Abdul Rashid, Aged about 27 years, R/o. Santoshi Nagar, Raipur Police Station Tikarapara District Raipur (CG)
3. Saiyyad Dastgir, S/o. Saiyyad Gous, Aged about 23 years, R/o Nayapara, Raipur Police Station Moudhapara, District Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through – district Magistrate, The Station House Officer, Police Station Azad Chowk, Raipur District Raipur Chhattisgarh.,

---- Respondent

For Applicant : Shri Suryakant Mishra, Advocate
For Respondent /State : Shri Dinesh Tiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

23/06/2020

The applicants have filed this 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. 19/2020 registered at police station Azad Chowk, district Raipur (CG) for the offence punishable under Sections 294, 506-B, 323,307/34 IPC and Section 25 and 27 of the Arms Act.

Case of the prosecution in brief is that on the date of incident, son of the complainant Jaibunisha and his friend were returning home,

the applicants stopped them over some old dispute, started abusing and threatened of life. It is also alleged that applicant No.1 has stabbed the son of complainant Mohd. Shahnawaz with knife on his left thigh and palm and when his friend tried to intervene, he was also assaulted.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He submits that the injuries were simple in nature. He further submits that the applicants are in jail since 01.02.2020; charge sheet has been filed 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. 25,000/- each with one 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