

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3275 of 2020**

- Ajay Prasad, S/o Late Ramsevak Sah, Aged About 35 Years, R/o Jhagarakhand Raod Manendragarh, Police Station & Tahsil-Manendragarh, District- Korea (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station - Manendragarh, District- Korea, Chhattisgarh.

---- Respondent

For Applicant	: Mr. K. A. Ansari, Senior Adv.
For Respondent/State	: Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

15.06.2020

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. 152/2020 registered at Police Station- Manendragarh, District- Korea (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 506, 307, 201, 212 of IPC.
4. The prosecution story, in brief is that, on 04.05.2020 at about 12.00 PM, the co-accused Pramod Kumar Gupta, his son and his wife were doing some illegal construction on the land of Muktidham of village Amakherwa, whereby the complainant namely Ramashanker Gupta tried to stop them, then the co-accused along with unknown persons assaulted him with

wooden rod as a result of which he sustained injuries. 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 there is no criminal antecedent against the applicant and he is not a main accused. He also submits that the name of the applicant has not been registered in the FIR and offence punishable under Sections 201 and 212 has been registered against him . The applicant is in jail since 06.05.2020, 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 there is no criminal antecedent against the applicant and he is not a main accused. The applicant is in jail since 06.05.2020 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 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**

Ruchi