

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2970 of 2020**

- Rajkumar Sao S/o Bhagwan Sao Aged About 50 Years R/o Milawatpara Durga Mandir Khursipar Bhilai Tahsil & District Durg, Chhattisgarh.

--- Applicant

Versus

- State of Chhattisgarh Through District Magistrate Durg, Chhattisgarh.

--- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.
 For Respondent/State : Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 243/2020 registered at Police Station – Khurseepar, District- Durg (C.G.) for the offence punishable under Sections 420 and 289 of IPC.
- According to the prosecution story, the Sub-Inspector of Police Station of Khurseepar, District- Durg (C.G.) received an information that the present applicant has stored 240 liters illegal kerosene and 85 liters illegal diesel in his house and when the police reached the spot recovered the above inflammable items and, therefore, registered the above offense.
- Learned counsel for the applicant submits that the applicant is innocent and falsely implicated in this case. He further submits that the present applicant has not stored any illegal items in his house and the same was purchased from the market, applicant is transporter and the above material is very common for the above purposes. He next contended that the applicant is in jail since 28.04.2020, therefore he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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), 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

Vasant