

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3331 of 2020**

- Shahrukh Khan S/o Sarif Khan aged about 20 years, R/o Chhemar, Chharaiya, P.S. Lalganj, District Pratapgarh (UP)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Bemetara, District Bemetara (CG)

---- Respondent

 For Applicant : Dr. Shiv Kumar Shrivastava, Advocate
 For Respondent/State : Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

24.6.2020

1. Heard.
2. Admit.
3. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.470/2019, registered at Police Station, Bemetara, District Bemetara(CG) for the offence punishable under Sections 307, 460 and 34 of the IPC and Sections 25 and 27 of the Arms Act.
4. As per the case of prosecution, on 30.8.2019 in the night, the applicant along with some other co-accused persons came to the Ambika Petrol Pump, Bemetara covered their faces with clothes armed with deadly weapon like pistols, with an intention to loot fired the pistols on the employees of the Petrol Pump, in which, Lalit Rajak has received injury on chest.

During investigation, on the basis of memorandum of other co-accused persons, the applicant has been arrested.

5. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the report has been lodged against unknown persons and no test identification parade was conducted by the Police. He further submits that the applicant is in jail since 5.9.2019, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; charge sheet has been filed and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
11. 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 23.3.2020 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.

12. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE