

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3085 of 2020**

1. Roshan Dhritlahre, S/o- Laxminath, Aged about- 28 years.
2. Bhanupratap @ Bhanu, S/o- Vijay Dhritlahre, Aged about- 26 years.

Both R/o- Ghorbhatthi, Police Station Kharora, District- Raipur
(C.G.) **----- Applicants**

Versus

State of Chhattisgarh, Through: Station House Officer, Police
Station Kharora, District- Raipur (C.G.) **----- Respondent**

For Applicants : Mr. C.R. Sahu, Advocate
For Respondent/State : Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

15/06/2020

1. Heard.
2. Admit.
3. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.434/2019, registered at Police Station - Kharora, District- Raipur(C.G.) for the offence punishable under Sections 294, 323, 506-B, 452, 307/34, 147, 148, 149, 325 of IPC.
4. It is the case of the prosecution that the complainant has lodged written report to the concern police station Kharora alleging therein that on 29.10.2019 at 8.00 p.m. son of Joshi was using filthy language near house of the complainant and thereafter, at 11.00 p.m. the accused persons have committed marpeet with the family members of the

complainant and also threatened to commit murder Based on this, offence has been registered. The present applicants is in custody since 02.12.2019.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that other co-accused Biselal Bharti has already been released by this Court vide order dated 09.06.2020 in MCRC No. 1834 of 2020. As the applicant is in custody since 02.12.2019., charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail on the ground of parity.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 02.12.2019., charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicants shall be released on bail on

each of them furnishing a personal bond in sum of Rs.25,000/- with one local surety each 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), 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 bond earlier, then they will be required to furnish bail bonds within four weeks from today.

12. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge