

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3058 of 2020

- Kunwar Sai S/o Late Jhariya Aged About 46 Years Caste Korwa, Resident of Kirkiya Tongri Para, Police Station Lundra, District Surguja, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Lundra, District Surguja, Chhattisgarh. **---- Respondent**

 For Applicant : Mr. Rahul Mishra, Advocate
 For Respondent/State : Mr. Siddharth Dubey, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

12/06/2020

1. Heard on admission.
2. Admit.
3. The accused/applicant has 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.44/2019, registered at Police Station - Lundra, District Sarguja (C.G.) for the offence punishable under Sections 294, 323, 506, 376, 34 of IPC.
4. It is the case of the prosecution that the prosecutrix lodged a report at Police Station Lundra to the effect that on 15.04.2019 at about 3.00 p.m. she was returning along with her husband from the house of one Atwa at village Kirkima Dubarkholi, at that time near Tongripara, the applicant and his wife Akli assaulted with the prosecutrix and her husband and during course of scuffle, the prosecutrix and her husband received injury in her private part and blood was oozing out from her private part. Based on this, offence has

been registered. The present applicant is in custody since 18.04.2019.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant is in custody since 18.04.2019., 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.
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 18.04.2019., 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 applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

12. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge