

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3078 of 2020**

Hemlal Dewangan, Aged about- 32 years, s/o- Shri Sadhu Ram Dewangan, R/o- Behind Dattatray Temple, Near Budheswar Chowk Purani Basti, Raipur (C.G.) **----- Applicant**

Versus

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

 For Applicant : Mr. Sharad Mishra, Advocate
 For Respondent/State : Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

15/06/2020

1. Heard.
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.520/2019, registered at Police Station -City Kotwali, District - Raipur (C.G.) for the offence punishable under Sections 307, 384 of IPC and Section 25 and 27 of Arms Act.
4. It is the case of the prosecution that a complaint was lodged by Pappu Sahu alleging therein that the applicant on the date of incident the complainant went to Sulabh Washrooms and Accused/applicant was collected money from the persons who wanted to use Sulabh Washrooms to which the complainant objected and due to which the accused/applicant started abusing to the complainant & threaten him of dire consequences and attacked him with sharp/blunt object prabably knife which caused fatal injuries

to the complainant. Based on this, offence has been registered. The present applicant is in custody since 21.11.2019.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there is no incriminating materials and evidences on record to prove that the applicant has committed any offence and despite of that the applicant has been arrested and is in jail which is a clear violation of his personal liberties. It is pertinent to bring into the notice of this Court at the time of alleged incident complainant was drunk and he was in intoxicated state himself therefore, the story put forth by him cannot be believed as true and this casts doubt on the case of prosecution. As the applicant is in custody since 21.11.2019, 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 21.11.2019, 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.50,000/- 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