

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3149 of 2020**

1. Jawahir, S/o Baiga Ram, Aged About 40 Years, R/o Alka, P.S.- Chalgali, District- Balrampur- Ramnuganj, Chhattisgarh.
2. Baiga Ram, S/o Late Bhandari, Aged About 62 Years, R/o Alka, P.S.- Chalgali, District- Balrampur- Ramnuganj, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through- S. H. O. Police Station- Chalgali, District- Balrampur- Ramnuganj Chhattisgarh.

---- Respondent

For Applicants	: Ms. Indira Tripathi, Adv.
For Respondent/State	: Mr. Dinesh Tiwari, Dy. G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.06.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 142/2019 registered at Police Station- Chalgali, District- Balrampur- Ramnuganj (C.G.) for the offence punishable under Section 427/34 of I.P.C. and Section 3 of Public Property Damage Prevention Act.
4. The prosecution story, in brief is that, the present applicants being a owner of land, they were operated their agriculture land and used JCB in their field. At that juncture, they damaged the public property i.e. Moorum Road which is alleged to be constructed by Gram Panchayat. Thereafter, offence has been registered against the present applicants and they have been arrested.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. She further submits that the offence has been triable by the Judicial Magistrate First Class and the co-accused has been granted bail in

MCRC No. 1849/2020. The applicants are in jail since 16.03.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and the submission is made in this respect. The allegation against the applicants is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the offence has been triable by the Judicial Magistrate First Class and the co-accused has been granted bail in MCRC No. 1849/2020. The applicants are in jail since 16.03.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
10. It is made clear that if the applicants have 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.
11. Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge