

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3142 of 2020**

1. Rakesh Vishwas, S/o- kamlesh Vishwas, Aged about- 29 years,
2. Rajesh Vishwash, S/o- kamlesh Vishwas, Aged about- 24 years,
3. Saurabh Sarkar, S/o- Mukund Sarkar, Aged about- 23 years.
4. Vijay Dey, S/o- Anil Dey, Aged about- 27 years,

All R/o- Village Sagarpur, Police Chowki. Ganesh Moad,
Balrampur, District- Balrampur-Ramnuganj (C.G.)

----- Applicants

Versus

State of Chhattisgarh, Through: Station House Officer, outpost
Ganesh Moad Police Station Balrampur, District- Balrampur-
Ramnuganj (C.G.)

----- Respondent

For Applicants : Mr. Shakti Raj Sinha, Advocate
For Respondent/State : Mr. Raghvendra Verma, 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.11/2020, registered at Police Station - Balrampur, District- Balrampur-Ramnuganj (C.G.) for the offence punishable under Sections 147,148, 186, 294, 323, 332, 353, 395, 450, 506 of IPC. and Section 11(e) of C.G. Sthaniya Pradhikaran (Nirvachan Apradh) Adhiniyam 1964 (As per Charge sheet).
4. It is the case of the prosecution that on 20.01.2020 the

applicants being the member of unlawful assembly have threatened and assaulted the government officer and obstructed him from doing his duty and looted the 170 Ballot papers and Rs. 1000/- from the government servant and also obstructed the election process. Based on this, offence has been registered. The present applicants are in custody since 01.02.2020.

5. Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that other co-accused have already been released vide order dated 15.05.2020 in MCRC No. 1687 of 2020. As the applicants are in custody since 01.02.2020. Charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, they 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 applicants are in jail since 01.02.2020, 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 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 they have not furnished the bail bond earlier, then they will be required to furnish bail bond within four weeks from today.

12. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge