

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3239 of 2020**

- Rajesh Sahu, S/o Mukhiram Sahu, Aged about 28 years, R/o Nagar Panchayat Sakri, PS- Sakari, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, PS- Sakari, District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Sushobhit Singh, Advocate.

For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 111/2020 registered at Police Station- Sakari, District- Bilaspur (C.G.) for offence punishable under Sections 457 & 380 of IPC.
- According to the prosecution story, the complainant Jai Kishan Agrawal lodged the written report on 04.05.2020, that he runs a shop in the name of Agrawal Traders at village-Sakari. On the same day, at about 09:30 am when he opened the front lock of his godown, he found that there was break into his godown from the back door. Upon verification, it was found that two buckets fertilizer and other articles were missing total valuation of Rs. 7,000/-. The matter was reported and FIR was lodged under Sections 457 and 380 of IPC against unknown person.
- Learned counsel for the applicant submits that the applicant is innocent person who has been falsely implicated in the aforesaid case, he further submits that the applicant has been arrested only on the basis of inadmissible evidence of the other co-

accused and the total value of seizure from the present applicant is only about Rs. 1350/-. He next contended that the applicant is in jail since 05.05.2020, therefore he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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 23.03.2020 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.

Sd/-
(Rajani Dubey)
Judge

Vasant