

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3277 of 2020

- Rajendra Chandrakar, Aged about 30 years, S/o. Shri Ganesh Chandrakar, R/o. Village Kouwadih, PS Gidhpuri, District Baloda Bazar, Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Gidhpuri District Baloda Bazar, Bhatapara Chhattisgarh.,

---- Respondent

For Applicant : Shri A.S.Rajput, Advocate
For Respondent /State : Shri H.S.Ahluwalia, Dy.AG
For Respondent/Objector : Shri Prasoon Agrawal, Advocate

Hon'ble Smt. Justice Rajani Dubey
Order On Board

10/07/2020

Heard on admission.

Admit.

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.42/2020 registered at police station Gidhpuri, District Baloda Bazar, Bhatapara (CG) for the offence punishable under Sections 379 and 420 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant who is his neighbour, committed theft of Rs. 10,68,000/- from the ATM card.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant is seriously ill, his condition is critical and is presently admitted in the jail

hospital. He submits that the applicant is in jail since 16.05.2020; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State as well as the objector opposes the bail application. State counsel submits that the Station House Officer has also submitted the report dated 29.07.2020 stating that the applicant is admitted in the hospital and is suffering from several ailments.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing 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), he 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 he

has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge

suguna