

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3276 of 2020**

- Lavkush Yadav @ Sanny, S/o Late Rajesh Yadav, Aged about 24 years, R/o Lalpura, Itawa, PS Kotwali, District Itawa (UP)

---- Applicant

Versus

State of Chhattisgarh, Through– PS- Torwa, District Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Dheerendra Pandey, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.07.2020**

- Heard on admission.
- Admit.
- The accused/applicant has moved his second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 290/2019 registered at Police Station – Torwa, District Bilaspur (C.G.) for the offence punishable under Sections 419, 420, 120-B, 467, 468 and 471 of Indian Penal Code, 1860.
- The first bail application of the applicant was dismissed as withdrawn by the applicant with liberty to file at an appropriate stage vide order dated 15.11.2019 by this Hon'ble Court in MCRC No. 6056/2019.
- According to the prosecution story, on 26.08.2019 to 28.08.2019 till the recruitment processes going on, for the post of Railway Protection Force (Constable), at the same time before sending in the medical examination, it was found that Vinay Yadav had appeared for the test in place of the candidate Lavkush Yadav, the investigation also found that the attendee was physical did not appear in the said test and written test, therefore, police has registered the aforesaid offence against the present applicant.
- Learned counsel for the applicant submits that present applicant is

innocent person who have been falsely implicated in the aforesaid case. He further submits that the evidence of the present applicant seizure memo that very weak type of evidence. He next contended that applicant is in jail since 28.08.2019, 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), 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

Vasant