

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3212 of 2020

- Bhoklu Devar, S/o. Late Shri Bharat Devar, Aged about 23 years, R/o. Village Rawabhata, Behind RTO Office Transport Nagar, PS Khamtara district Raipur Civil and Revenue District Raipur CG

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station-Khamtarai, district Raipur Chhattisgarh.

---- Respondent

MCRC No. 3247 of 2020

- Rahul Sonwani @ Devar, S/o. Shri Jogi Sonwani @ Devar, Aged about 23 years,
 - Bhima Telasi, S/o. Shri Premlal Telasi, Aged 32 years
- Both R/o. Village Rawabhata, Behind RTO Office Transport Nagar, PS Khamtara district Raipur Civil and Revenue District Raipur CG

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station-Khamtarai, district Raipur Chhattisgarh.

---- Respondent

For Applicants	: Shri Ajay Mishra, Advocate
For Respondent/State	: Shri Samir Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

04/08/2020

As both these M Cr.Cs. arise out of the same crime number they are being disposed of by this common order.

Heard on admission.

Admit.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 78/2020 registered at police station Khamtarai, District Raipur (CG) for the offence punishable under Sections 457 and 380 IPC.

As per prosecution case, report was lodged by the complainant alleging that some unknown persons have committed theft after housebreaking his house at night.

Counsel for the applicants submits that the applicants have been falsely implicated in the case. He further submits that the applicants are in jail since 20.02.2020; 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 therefore they may be released on bail.

On the other hand counsel for the State opposes the bail application and submits that the applicants are having criminal antecedents (except the applicant No.2 in M.Cr.C. No. 3247 /2020).

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that the applicant in M.Cr.C. No. 3212/2020 & applicant No.1 in 3247/2020, are having criminal antecedents against them, I am not inclined to release them on regular bail. Accordingly, their application filed under Section 439 Cr.P.C. is

rejected.

So far as applicant No. 2 Bhima Telasi, in M.Cr.C. No. 3247/2020 is concerned, he has no criminal antecedent and looking to 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. 50,000/- 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