

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3310 of 2020**

Majhar Ali, S/o Mohammad Khalil, Aged about 33 years, R/o Ward No. 39 of Kelbadi Durg, Police Station and Tahsil - Durg, District - Durg (C.G.) ----- **Applicant**

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station - Nandani Nagar, District- Durg (C.G.) ----- **Respondent**

 For Applicant : Mr. Tarun Dansena, Adv.
 For Respondent/State : Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

23/06/2020

1. Default has been pointed out by the Registry of this Court.
2. Learned counsel for the applicant submits that he will remove the default within a week.
3. Heard on admission.
4. Admit.
5. The accused/applicant has 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. 38/2020, registered at Police Station –Nandani Nagar, District- Durg (C.G.) for the offence punishable under Sections 354, 454, 380 of IPC.
6. It is the case of the prosecution that on 10.02.2020 the present applicant was caught and took to police station- Nandani Nagar by one village person, who lodged a report against the present applicant is sweeper, who entered the ashram to pray and forcefully took money from the charity, some articles were seized by the police. Based on this, offence has been registered and the applicant was arrested on 10.02.2020.

7. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant is in custody since 10.02.2020, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.
8. On the other hand, counsel for the State opposes the bail application.
9. I have heard learned counsel for the parties and perused the record.
10. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 10.02.2020, 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.
11. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
12. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one local surety 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.
13. 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), he 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 he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

14. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Nadim