

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3443 of 2020**

- Pankaj Kumar Sahu, S/o Anil Kumar Sahu, Aged about 21 years, R/o BSUP Colony, Ward No. 46, Amlidih, PS New Rajendra Nagar, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – SHO, PS- New Rajendra Nagar, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Shobhit Mishra, Advocate.

For Respondent/State : Mr. K.K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30.06.2020**

- 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. 124/2020 registered at Police Station– New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Sections 147, 148, 149, 120-B, 307 & 34 of Indian Penal Code and under Sections 25 and 27 of the Indian Arms Act.
- According to the prosecution story, on 13.04.2020, Sandeep Nag was selling vegetables in Pradhan Mantri Awasiya Parisar by loudly chanting the name and rate of the vegetables. When the complainant namely Balbhadra Deep objected for loudly chanting the name and rate of the vegetables, the accused in written abused to the complainant and used foul languages to the complainant during which many persons from the society also objected to the languages used by the accused Sandeep Nag. After which, at around 03:00 pm, the accused came back to the colony with his friends namely Rahul Boye, Kaushal Bag, Sandep Soni, Ajay Soni along with 30 to 40 other boys, who

were carrying sticks, knife, stone etc. were shouting and were threatening of life to the persons present in the society. While returning, they have attacked on Krishna Tandi, Rajkumar Tandi, Rohit Tandi, Bhavesh Tandi and the complainant with knife with the intention to kill them and causing grievous hurt. On the basis of complaint filed by the complainant, the FIR was registered bearing Crime No. 124/2020.

- 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 co-accused has already been granted bail by this Hon'ble Court on 21.05.2020 passed in MCRC No. 2505/2020. He next contended that the applicant is in jail since 03.05.2020, 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 the co-accused has already been granted bail by this Hon'ble Court on 21.05.2020 passed in MCRC No. 2505/2020, and 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. 25,000/-, 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