

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3465 of 2020

- Dev Singh, S/o Shiv Balak Singh, Aged about 20 years, R/o Kundpan Outpost Dindo, P.S. Trikunda, District Balrampur Ramanujganj (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Outpost Dindo, P.S. Trikunda, District Balrampur Ramanujganj (CG)

---- Respondent

 For Applicant : Shri Pushkar Sinha, Advocate
 For Respondent/State : Shri Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

29.6.2020

1. Heard.
2. Admit.
3. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.36/2020, registered at Police Station, Trikunda, District Balrampur Ramanujganj (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
4. As per the case of prosecution, in the intervening night of 16-17.4.2020, the applicant along with one co-accused entered into the Aanganbadi Kendra and committed theft of Gas stove, Gas Regulator and Gas Cylinder. During investigation, on memorandum of the accused/applicant he has been arrested.

5. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that the co-accused has been released on bail by this Court in MCRC No.2615/2020 and the applicant is in jail since 01.5.2020, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has committed the offence of trespass and theft.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and co-accused has been released on bail; yet charge sheet has not been filed and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. 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 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.
11. 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 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.

12. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE