

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3462 of 2020**

- Rajaram Soni S/o Suman Soni, aged about 29 years, R/o Village Pandaripani Jagdalpur, District Bastar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through the Police Station Parpa, District Bastar (C.G.)

---- Respondent

For Applicant.	:	Mr. P.K. Tulsyan, Advocate.
For Respondent/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.07.2020**

1. Heard on admission.
2. Admit.
3. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 171/2019 registered at Police Station : Parpa, District Bastar (C.G.) for the offence punishable under Sections 302, 201 of the IPC.
4. As per the prosecution case, the police has registered a criminal case against the unknown person regarding murder, later on, police has arrested the present applicant on the basis of memorandum and seizure.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. Counsel

for the applicant further submitted that the applicant has been arrested on the basis of memorandum and seizure and the memorandum and seizure witnesses have not supported the prosecution case before the trial Court. He next added in his submission that there is nothing against the applicant, even the present applicant and deceased are not husband & wife. The applicant is in jail since 09.09.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

6. On the other hand, State counsel opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the memorandum and seizure witnesses have not supported the prosecution case before the trial Court, as the applicant is in jail since 09.09.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

10. 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