

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3495 of 2020

- Bharat Lal Gahikhe son of late Kamal Das, aged about 27 years, resident of Awaspara, Sakri, Police Station Sakri, District Bilaspur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sakri, District Bilaspur (CG)

---- Respondent

 For Applicant : Shri Hari Om Rai, Advocate
 For Respondent/State : Shri Raghvendra Verma, 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.124/2020, registered at Police Station, Sakri, District Bilaspur (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
4. As per the case of prosecution, the complainant lodged a report that in the intervening night of 17-18/5/2020, the applicant has committed theft of T.V. receiver, one Fan and food grains in his Factory situated at Parsada.
5. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the applicant is a poor person and there is no likelihood of absconding or

tampering the prosecution witnesses. He submits that the applicant is in jail since 20.5.2020, 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.
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; the detention period of the applicant; 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

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