

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3521 of 2020**

- Bharat Lal Gahikhe, S/o Late Kamal Das, Aged about 27 years, R/o Awaspara, Sakri, PS Sakri, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – SHO, PS- Sakri, District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Hariom Rai, Advocate.
For Respondent/State : Mr. Ayaz Naved, 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. 01/2020 (Crime No. 127/2020) registered at Police Station – Sakri, District Bilaspur (C.G.) for the offence punishable under Section 379 of I.P.C. and under Section 41(1-4) of Cr.P.C.
- According to the prosecution story, on the basis of suspension, the Police Station- Sakri has recovered one freeze, one gas cylinder and one ceiling fan and on the basis of same, the police has arrested the present applicant in connection with aforesaid alleged offences.
- 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 except memorandum of co-accused there is nothing against the present applicant to establish his involvement in the crime in question. He next contended that the applicant is in jail since 20.05.2020, 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 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. 50,000/-, 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