

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3539 of 2020**

1. Pardesiram S/o Samaruram Dhanuhar Aged About 45 Years R/o Village Chandapara Police Station Kota District Bilaspur Chhattisgarh.
2. Virsava S/o Faguaram Dhanuhar Aged About 35 Years R/o Village Chandapara Police Station Kota District Bilaspur Chhattisgarh.
3. Jhagar S/o Faguaram Dhanuhar Aged About 45 Years R/o Village Chandapara Police Station Kota District Bilaspur Chhattisgarh.
4. Rajkumar S/o Ratiram Dhanuhar Aged About 28 Years R/o Kachana Police Station Ratanpur, District Bilaspur Chhattisgarh.
5. Dilip Kumar S/o Jhagar Singh Dhanuhar Aged About 19 Years R/o Village Chandapara Police Station Kota District Bilaspur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kota, Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. K.P.S. Gandhi, Advocate.
For Respondent	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.07.2020**

- Heard of admission.
- Admit.
- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 161/2020 registered at Police Station - Kota, District Bilaspur (C.G.) for the offence punishable under Sections 186, 353, 333, 294, 427, 147 of the IPC.
- The prosecution story in nutshell is that, on the basis of

secret information received by the informant, a team leading by Excise officer came to the spot near Arpa River in the Village Chandana. On seeing the excise team, the person ran away from the spot who were making liquor from Mahua Lahan. The Excise Officer seized Mahua lahan. At that time, 8 to 10 people came there and started assaulting the Excise Officer and also broke the government vehicles. After investigation, applicants have been arrested and the aforesaid offence have been registered against them.

- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the police has arrested the applicants on the basis of suspicion. He next submits that the applicants are in jail since 15.04.2020 and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.
- On the other hand, counsel for the State strongly 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 applicants, as 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 applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said

Court.

- It is made clear that if the applicants have 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

Vijay Sahu