

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3570 of 2020**

- Dapsa @ Ramkishan, S/o Bhagwat Suryavansi, Aged About 27 Years, R/o Rasota, P.S.- Pamgarh, District- Janjgir- Champa (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Pamgarh, District- Janjgir- Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Nitansh Kumar Jaiswal, Adv.
For Respondent/State : Mr. Ayaz Naved, G. A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

01.07.2020

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 294/2019 registered at Police Station- Pamgarh, Civil & Revenue District- Janjgir- Champa, (C.G.) for the offence punishable under Sections 294, 323, 506, 302/34 of IPC.
4. The prosecution story, in brief is that, on 29.06.2019, complainant Birnedra Kumar Banjare lodged a report against the present applicant and his friends alleging that on 28.06.2019, he went to liquor shop where some disputes had taken place between them and at that time, he and his brother namely Hemlal Banjare tried to intervene the matter, as a consequence,

the present applicant assaulted them and as a result of which he sustained multiple injuries whereas complainant's brother namely Hemlal Banjare died during the course of treatment. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that other co-accused has been granted bail in MCRC No. 8047/2019 vide order dated 28.01.2020 by this Hon'ble Court. The applicant is in jail since 31.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegation against him is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that other co-accused has been granted bail in MCRC No. 8047/2019 vide order dated 28.01.2020 by this Hon'ble Court. The applicant is in jail since 31.07.2019 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 trial 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.

11.Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge

Ruchi