

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3625 of 2020

- Premlal S/o Bhagwani Baghel aged about 65 years, R/o Village Bhunda, Police Station : Kota, District Bilaspur (CG)

---- Applicant

Versus

- State of Chhattisgarh, Station House Officer, Police Station : Kota, District Bilaspur (CG)

---- Respondent

 For Applicant : Shri Nitesh Shrivas, Advocate
 For Respondent/State : Shri Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

20.07.2020

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. 599/2019, registered at Police Station, Kota, District Bilaspur (CG) for the offence punishable under Sections 302, 147, 148 of the IPC.
4. As per the case of prosecution, on 27.12.2019 the applicant along with other co-accused persons has assaulted one Ashish Pandey with Lathi, Danda and Hockey Stick, due to which he received grievous injuries and died. The matter was investigated and the applicant has been arrested.
5. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely

implicated in the case. He submits that the applicant has not named in the FIR and memorandum of other accused persons and after 2 days one witnesses has taken the name of the applicant in his statement recorded under Section 161 Cr.P.C. He further submits that the applicant is in jail since 29.12.2019, 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. He submits that the applicant has committed heinous crime and due to grievous injuries received by the victim, he has died.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature and gravity of offence and further considering the fact that the applicant has not named in the FIR and after 2 days, one witness has taken the name of the applicant in 161 Cr.P.C. statement; charge sheet has 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.25,000/- 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