

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3640 of 2020**

1. Tilak Ram Mandavi, S/o Mahavir Mandavi, Aged About 61 Years, R/o Turkari Para Khairagarh, Police Station & Tahsil- Khairagarh, District- Rajnandgaon, (C.G.).
2. Madhavmal Ahuja, S/o Shivam Ahuja, Aged About 50 Years, R/o Turkari Para Khairagarh, Police Station & Tahsil- Khairagarh, District- Rajnandgaon, (C.G.).
3. Rupesh Kumar Sarthi, S/o Mohan Lal Sarthi, Aged About 48 Years, R/o Turkari Para Khairagarh, Police Station & Tahsil- Khairagarh, District- Rajnandgaon, (C.G.).
4. Deepak Kumar Thakur, S/o Mujendra Thakur, Aged About 50 Years, R/o Dauchoura Khairagarh, Police Station & Tahsil- Khairagarh, District- Rajnandgaon, (C.G.).

---- Applicants**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station- Khairagarh, District- Rajnandgaon, (C.G.).

---- Respondent

For Applicants	: Mr. C. K. Kesharwani, Adv.
For Respondent/State	: Mr. Vimlesh Bajpayi, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.07.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 187/2020 registered at Police Station- Khairagarh, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 188, 269, 270, 34 and Section 13 of the Public Gambling Act.
4. The prosecution story, in brief is that, on 01.06.2020, the police

personnel received an information that the present applicants were gambling without maintaining social distancing as per instruction of the Government looking to the present pandemic of COVID-19, after that they also seized Rs. 1,15,000/- and 52 playing cards. Thereafter, offence has been registered against the present applicants and they have been arrested.

5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 01.06.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and the submission is made in this respect. The allegation against the applicants 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 the applicants are in jail since 01.06.2020 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 applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
10. 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.

11.Certified copy, as per rule.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi