

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3701 of 2020**

1. Mahendra S/o Dukalu Panka Aged About 28 Years R/o Village Kumhari, P.S. Gidhauori, District Baloda Bazar Bhatapara Chhattisgarh.
2. Premlal S/o Horilal Patel Aged About 26 Years R/o Village Kumhari, P.S. Gidhauori, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through S.H.O. Gidhuori- Tundra, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Hemant Gupta, Advocate.
For Respondent	:	Mr. H.S. Ahluwalia, Dy. A.G.

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. 134/2020 registered at Police Station - Gidhouiri-Tundra (C.G.) for the offence punishable under Sections 341 & 394 of the IPC.
- The prosecution story in nutshell is that, on 27.05.2020 complainant was going in his E-Rikshaw having inverter and battery, at that time, three unknown persons came from backside, restrained the complainant, slapped and committed robbery of inverter and battery amount to Rs. 17,100/- which he was going to deliver. 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 on 14.07.2020 the other co-accused persons namely Puriram Sahu and Shailendra have already been granted bail by this Hon'ble Court in MCRC No. 3526/2020. He next added that the applicants are in jail since 27.05.2020 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