

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4814 of 2020

- Deepak Chand, S/o. Ganesh Ram Sahu, Aged about 29 years
- Deepak Kumar S/o,. Ram Gulal Verma, Aged about 21 years
- Both R/o. Village Sel, Police Station Kasdol, district Baloda Bazar, Bhatapara Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.,

---- Respondent

For Applicants	: Shri A.S.Rajput, Advocate
For Respondent /State	: Shri Sudeep Agrawal, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/08/2020

Heard on admission.

Admit.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 333/2020 registered at police station Kasdol, district Baloda Bazar, Bhatapara (CG) for the offence punishable under Sections 294,323,506,307,34 IPC.

As per prosecution case, report was lodged by the complainant alleging that on the date of incident, in the evening when he was going to his village, on the way, the applicants and the co-accused stopped him as assaulted him with hands fists and stick. It is alleged that they have also threatened him for dire consequences.

Counsel for the applicants submits that the main allegation is against the co-accused Peelu and the report has also been lodged against him. He submits that applicants have been falsely implicated in the case. He submits that similarly placed co-accused has been granted bail by this court in M.Cr.C. No. 3856/2020 vide order dated 30.07.2020 and therefore the present applicants may also be granted similar benefit. Lastly, he submits that the applicants are in jail since 30.05.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants and the fact that they were not named in the FIR, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have already been released on bail pursuant to the bail bonds already furnishing 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 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