

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4556 of 2020

- S.R. Sharma S/o Lt. Shri Saraswatalu Someswar Sharma, Aged About 65 Years R/o C/23, Street No. 07, Smriti Nagar, Bhilai, Tahsil / District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P S Bhilai. Tahsil/ District Durg Chhattisgarh

---- Respondent

MCRC No. 4353 of 2020

- Pawan Agrawal S/o Late Om Prakash Agrawal Aged About 64 Years Retired Chief General Manager, S. E. C. L. R/o A/137a, Road No. 29, Smriti Nagar, Bhilai, District Durg Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki Smriti Nagar, Police Station Supela, Bhilai, District Durg Chhattisgarh

---- Respondent

For Applicants	: Shri T.K.Jha and Shri Abhishek Sinha, Advocates for the respective parties.
For Respondent /State	: Shri H.S.Ahluwalia, Dy.AG
For Respondent/Objector	: Shri Ashish Gupta, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

07/08/2020

As both these M.Cr.Cs. arise out of the same crime number, they are being disposed of by this common order.

The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 366/2020 registered at police station Supela, Bhilai, district Durg (CG) for the offence punishable under Sections 420, 467 and 468 IPC.

Case of the prosecution in brief is that the applicants, have forged some documents and got transferred the plots which were allotted to the complainant mutated in their names.

Counsels for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is submitted that the matter is purely of civil nature. It is further submitted that the charge sheet has been filed and the applicants are in jail since 16.06.2020 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 as well as the objector opposes the bail applications.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 1,00,000/- each with one surety 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), 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