

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4883 of 2020

- Yogendra Kumar Dheewar, S/o Late Thaanuram Dheewar, Aged About 19 Years R/o Bazar Chowk, Mowa, Police Station- Pandri, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Pandri, District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Devershi Thakur, Advocate.
For Respondent	:	Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/08/2020

1. This is 3rd bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who is in custody in connection with Crime No.31/2019 registered at Police Station–Pandri, District–Raipur (C.G.) for the offence punishable under Section 307/34 of the Indian Penal Code.
2. First bail application of the applicant bearing MCRC No.3282 of 2019 was dismissed on merits vide order dated 9.7.2019, whereas second bail application bearing MCRC No.1203/2020 was dismissed by this Court vide order dated 17.2.2020 at motion stage with a direction to the trial Court to conclude the trial expeditiously, preferably within a period of two months.

3. It is submitted by the learned counsel for the applicant that applicant is in jail for the last more than 1½ years. The trial against the applicant is almost concluded, but due to suspension of normal functioning of the Court on account of lock-down imposed due to the pandemic situation, the applicant is languishing in jail without any fault on his part. Hence, on the ground of delay in trial, it is prayed that the applicant be granted regular bail.
4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that on merits the applicant does not have a good case for grant of bail. The trial against the applicant would conclude when normal functioning of the Courts will be commenced and this cannot be a reason to grant bail to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Considered on the submissions.
7. Bail application of the applicant has already been decided by this Court on merits, but the present situation is this, that applicant is in jail for the last about 1½ years; when the trial against him was on the verge of conclusion, the normal functioning of the Courts was suspended due to global pandemic 'Covid-19', and it appears that resumption of normal functioning of the Court may take some more time. In these circumstances, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicant shall be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court,

for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha