

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4730 of 2020

- Shankar Sahu S/o Awadhram Sahu Aged About 32 Years R/o Indira Nagar Baghera, Durg, Tehsil And District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate, District Durg, Chhattisgarh

---- Respondent

For Applicant :- Mr. Avinash Chand Sahu, Adv.
For State/Respondent:- Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

14/08/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 132/2015, registered at Police Station-Excise Circle

Durg City-West, District Durg (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that, earlier applicant was released on bail on 25.08.2015 for the aforesaid offence but he was not attending the trial, therefore, he was arrested on 26.06.2020.

4. Learned counsel for the applicant submits due to COVID-19 the applicant could not attend trial regularly but now if he released on bail he will attend the trial regularly.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard learned counsel appearing for the parties.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, and submission made by learned counsel for the applicant, this Court is of the opinion that present is a fit case, in

which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

9. It is made clear that if the applicant has 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), 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 he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit