

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5981 of 2020

- Khuman Sahu, Aged about 18 years, S/o. Chaturram Sahu, R/o Seeta Nagar, Infront of Daksha Press, Goverdhan Nagar, Gondwara, Kabir Nagar, Raipur, Distt. Raipur (CG)
- Sonu Sonwani, Aged about 19 years, S/o. Sukul Sonwani, R/o Ashoknagar, Near Railway Fatak, Gudhiyari, Raipur, Distt. Raipur (CG)
- Chhuchhu @ Kuleshwar Sahu, Aged about 19 years, S/o. Pyarelal Sahu, R/o Seeta Nagar, Gogaon, Kabir Nagar, Raipur, Distt. Raipur (CG)

---- Applicants

Versus

- State Of Chhattisgarh Through, Through Station House Officer, Police Station Kabir Nagar, Distt. Raipur (CG)

---- Respondent

For Applicants	:	Smt. Smita Jha, Advocate.
For Respondent/State	:	Shri Dinesh Tiwari, Dy. A.G.

Hon'ble Shri Gautam Chourdiya,

Order on Board

25/11/2020

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.234/2019 registered at Police Station-Kabir Nagar, Distt.-Raipur (CG) for the offence punishable under Sections 302,201,120-B,34 IPC and Sections 25 and 27 of the Arms Act.

As per prosecution case, report was lodged by the complainant

alleging that his son was found murdered near the transformer at his village. It is alleged that the report has been made against unknown person.

Counsel for the applicants submits that the applicants have been falsely implicated in the case and that the similarly situated co-accused namely Ved Prakash Chandrakar and Vedram have already been granted regular bail by the co-ordinate Bench of this Court vide order dated 10.08.2020 passed in MCRC No.965/2020. She submits that the applicants have been arrested on the basis of merg and that the witness to memorandum on seizure has turned hostile. She submits that the applicants are in jail since 19.08.2018; charge-sheet has been filed 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 the similarly situated co-accused have already been released on regular bail by the co-ordinate Bench, 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), 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/-

(Gautam Chourdiya)
Judge