

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3263 of 2021**

Linesh Kumar Bansode @ Badu Bansode, S/o Shri Sunil Kumar Bansode, aged about 19 years, R/o Ward No. 21, Sastri Nagar Ward, Behind Gurudwara, Dallirajhara, Dist – Balod (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through :- Station House Officer, Police Station Rajhara, District – Balod (C.G.)

----Non-applicant

For Applicant	:	Mr. Vivek Kumar Agrawal, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****02.06.2021**

(1) Proceedings of the matter have been taken-up through Video Conferencing.

(2) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 438/2020 registered at police Station Rajhara, Distt. Balod (C.G.) for the offence punishable under Sections 458, 147, 148, 149, 294, 506 & 323 of the Indian Penal Code.

(3) Case of the prosecution, in nutshell, is that applicant along with 10-12

co-accused persons formed unlawful assembly; committed lurking house trespass; criminally intimidated; and assaulted Parmeshwar Sahu & Deepak Sahu at about 9.10 pm on 1-10-2020 and thereby committed the aforesaid offences.

(4) Counsel for the applicant submits that the applicant has been falsely implicated in the case as there is no evidence available on record to connect the applicant with the crime in question. He submits that similarly situated co-accused namely Aaman Khan has already been granted anticipatory bail by the co-ordinate bench of this Court vide order dated 15.01.2021 passed in M.Cr.C.

(A) No. 1593 of 2020. He further submits that the applicant is languishing in jail since 16.03.2021 and the trial is likely to take time for its final disposal due to Covid-10 pandemic situation and, therefore, the applicant is entitled to be released on regular bail.

(5) On the other hand, Counsel for the State opposes the bail application.

(6) Considering the totality of the facts and circumstances of the case, particularly the facts that the applicant is in detention since 16.03.2021; trial is likely to take time for its final disposal due to Covid-19 pandemic situation and the fact that similarly situated co-accused – Aaman Khan has already been granted anticipatory bail by the co-ordinate Bench of this Court; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(8) In view of above, I. A. No. 2, application for urgent hearing & I.A. No. 1, application for hearing the case during summer vacation stand disposed of.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Vacation Judge

