

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4481 of 2015

- Mohammad Kais S/O Sher Ali Aged About 26 Years R/O Village - Rampur, Baltari, Thana - Mandhata, District - Pratapgarh (Uttar Pradesh).

---- Applicant

Versus

- State Of Chhattisgarh Through : Chauki - Manikpur, Thana - Kotwali, Revenue/Civil District - Korba (Chhattisgarh).

---- Respondent

25/08/2015	Shri Samir Singh, counsel for the applicant. Ms. M. Asha, PL for the State. This is second bail application under Section 439 of CrPC. The earlier bail application was rejected on 03/03/2014. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 335/2013 registered at Police Chowki, Manikpur, P.S. Kotwali Korba (C.G.) for the offence punishable under Sections 379, 411, 413, 34 of IPC. Learned counsel for the applicant would submit that the applicant is in jail since 18/06/2013 and more than two years and two months have been passed. He further submits that for last one year prosecution witnesses are not turning up, despite arrest warrant was issued, the witness was not served, consequently delay occurred. He further submits that served sentence is more than ½ sentence, therefore, he may be released on bail. Learned State counsel opposes the bail application. Considering the fact that the applicant is in jail since 18/06/2013 and perusal of the order-sheet shows that the	

witnesses are not turning up and evidence of the prosecution is not complete, despite the warrant was issued, this Court is inclined to release the applicant on bail.

Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Kamde