

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6850 of 2015

Vicky Kumar @ Bicky @ Rajkumar S/o Dwarika Prasad
Singh Aged About 25 Years R/o Kumharar Maur Vihar
Colony, Transport Nagar, P.S. Agamkuan Distt. Patna
(Bihar)

----Applicant

Versus

State Of Chhattisgarh Through: The District Magistrate,
Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Mr. N. Naha Roy, Advocate.
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/12/2015

Heard.

1. This is the second application under Section 439 Cr.P.C. for grant of bail to the applicant.
2. The applicant has been arrested in connection with Crime No.687 of 2010, registered at Police Station – City Kotwali, District- Raigarh for alleged commission of offence under Sections 342, 347, 394 of the IPC and Sections 25 & 27 of the Arms Act.
3. Case of the prosecution, in brief, is that the applicant and

other co-accused committed dacoity in a bank and looted Rs.75 lakhs.

4. Learned counsel for the applicant submits that earlier, the applicant had filed application for grant of bail which was rejected, but now the applicant has moved this application only on the ground of inordinate delay in trial. He submits that the applicant is in jail for last more than 4 ½ years and till date, out of 30 witnesses, only 5 witnesses have been examined. Only on the ground of being involved in a case of dacoity, the applicant cannot be denied expeditious hearing and trial of his case. Thus, only on the ground of delay, the applicant may be granted bail by imposing appropriate conditions to secure his presence during trial.

5. On the other hand, learned State counsel has opposed the prayer for grant of bail. She submits that looking to the nature and gravity of allegation against the applicant that he was involved in a bank dacoity, the applicant is not entitled to grant of bail. It is further submitted that on account of one accused who was not being produced, trial was being delayed. Now, the trial of that accused has been separated. Therefore, in these circumstances, the trial is likely to be concluded early.

6. Though present is a case of dacoity and the allegation is that the applicant is also involved in the dacoity, the applicant cannot be allowed to be detained indefinitely. More than 4½ years have elapsed and till date, for one reason or the other, not attributable to the applicant, trial has not been concluded. Not only that, the snail's pace with which the trial is proceeding, there is no likelihood of trial being concluded early and only 5 out of 30 witnesses have been examined. Presence of the applicant can be secured by imposing appropriate onerous conditions.

7. Taking into consideration the aforesaid circumstances, looking to the period of pre-trial detention, I am inclined to allow

the application.

8. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two local sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, on following further conditions that :

(i) He shall appear before the Court below on each and every date given to him by the said Court till disposal of the trial, unless exempted.

(ii) He shall not leave the local limits without the permission of the trial Court.

Violation of any of the above conditions shall entail cancellation of bail.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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