

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 1123 of 2015

Hitesh Kumar Choubey S/o Shri Ashok
Choubey Aged About 27 years R/O Village
Ketat, Thana Rehla, District Palamu
(Jharkhand) Present Address -
Chopdapara, Bhagvati Ke Kiraye Ke
Makan Me, Ambikapur, District Surguja
C.G.

---- Applicant

Versus

State Of Chhattisgarh Through Station
House Officer, Police Station Gandhi
Nagar, Ambikapur Dehat, District Surguja
C.G.

---- Non-applicant

For Applicant:	Shri Kishore Narayan, Advocate.
For Non-applicant/State:	Shri Shashak Thakur, Govt. Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

18/03/2015

This is the 2nd bail application preferred by the applicant under Section 439 Cr.P.C as he was arrested on 02.06.14 in connection with Crime No.60/2014 registered at Police Station – Dehat Thana, Ambikapur (Gandhi Nagar), Distt. Surguja (CG) for the offence punishable under Section 420/34 IPC. The earlier bail application was dismissed as withdrawn by this Court with liberty to revive the same after sometime vide order dated 19.9.14 passed in M.Cr.C No.4689/14.

2. Counsel for the applicant submits that the admitted position is that the present applicant was an employee of a Company i.e. Renaults Credit Co-operative Societies Services, Manendragarh Road, Ambikapur and that the said Company was having a branch at Ambikapur and that he was not posted at the different place from where the complaint has been generated. He further submits that the charge against the present applicant was framed on 21.10.2014 and till now only two witnesses have been examined out of total 34 witnesses cited by the prosecution and the matter meanwhile has been listed on 8 number of dates for evidence of prosecution witnesses. He further submits that there is no likelihood of early disposal of the trial and taking into consideration the pace at which

the trial is proceeding and prosecution witnesses still to be examined, the present applicant e may be granted bail.

3. On the other hand, State counsel opposing the bail application submits that a couple of accused persons in the instant case are still absconding and therefore, the present applicant should not be released on bail.

4. Having heard learned counsel for the parties, taking into consideration the facts and circumstances of the case, particularly the period of detention and also the fact that only two witnesses out of 34 witnesses cited have been examined till date, I am of the opinion that it is a fit case where the present applicant can be released on bail.

5. Accordingly, the application is allowed. It is directed that in the event of the applicant's 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 shall be released on bail. He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

J U D G E