

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3732 of 2017**

Vijay Bhai Parmar, S/o. Mofat Lal Parmar, Aged About 30 Years, Cast - Mochi,
R/o. - Virat Nagar, Odhi, Post Office & Police Station - Odhi, Krishna Nagar,
Ahmedabad, District - Ahmedabad (Gujrat).

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - City
Kotwali, Raipur, District -Raipur, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 7311 of 2017**

Shambhu Prasad, S/o. Shri Radheshyam Prasad, Aged About 25 Years, R/o.
Village -Nai Bazar, Baksar, Police Station- Baksar, Bihar.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
Kotwali, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mrs. Fouzia Mirza, Advocate & Mr. R.K. Pali, on behalf of Mr. Shivendu Pandya, Advocate
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For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer
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Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/12/2017**

- These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants,

who have been arrested in connection with Crime No.238/2016, registered at Police Station – City Kotwali, Raipur, District – Raipur (C.G.) for the offence punishable under Section 420/511, 467/34, 468/34, 471/34 and 120 (B) of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicant that applicants have been falsely implicated in this case. The co-accused -Santosh Chaudhari has been granted bail by the Coordinate Bench of this Court by order dated 11.10.2017 in M.Cr.C. No.5929/2017 only for the reason that the co-accused/applicant was in jail since 16.09.2016 and prosecution has extended the trial by proposing to examine 16 additional witnesses apart from the list of the witnesses submitted with the charge-sheet. Applicants – Vijay Bhai Parmar and Sambhu Prasad have similar case and they are in jail since 15.09.2016 and 16.10.2016 respectively, looking to the extended trial, therefore, they may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that trial against the applicant is due to complete very soon, applicants are residents of State other than Chhattisgarh, their availability before the Court shall be compromised, if they are released on bail, hence prayed that the applicants may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. In the order dated 11.10.2017, passed in M.Cr.C. No.5929/2017, it is observed that application was filed under Section 311 of Cr.P.C. before the trial Court on 13.08.2017, which was allowed on 12.09.2017,

thereby permission was given to examine 16 additional witnesses in the trial because of which, trial is likely to take additional and considerable time, which has been made a ground for grant of bail. In this situation, the case of the applicants can not be considered as different and for this reason alone, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
7. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge