

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 939 of 2017

R. N. Nukunj, S/o. Late Bandhe Ram Nikunj, Aged About 52 Years, R/o. Village- Dumarmuda, Police Station & Tahsil- Pathalgaon, District -Jashpur, Civil & Revenue District -Jashpur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Jashpur, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. M.K. Sinha, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/03/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.39/2012, registered at Police Station – Jashpur, District – Jashpur (C.G.) for the offence punishable under Section 420, 409, 120-B of the Indian Penal Code. The first bail application was dismissed on 06.12.2016 in M.Cr.C. No.6900 of 2016.
2. As per the prosecution case, an amount of Rs.49.05 Lakhs were sanctioned for construction of the Bridge and it is alleged that the applicant along with other co-accused have spent an amount of Rs.21.82 Lakhs and misappropriated Rs.23.99 Lakhs. After investigation, the charge-sheet was filed against other co-accused and after the trial, the other co-accused were acquitted and subsequently,

the applicant surrendered after acquittal of the other co-accused.

3. Learned counsel for the applicant would submit that only four witnesses have been examined till today. It is submitted that initially bailable warrant was issued to the witnesses, thereafter, the arrest warrant was issued and lastly after issuance of arrest warrant on 22.02.2017, one witnesses is only examined, thereby total four witnesses have been examined, therefore, the applicant may be enlarged on bail.
4. State counsel was directed to enquire about the delay in trial.
5. Copy of the memo which was received was perused, which shows that out of 13 witnesses, 3 witnesses have been examined. The reason could not be explained as to why the witnesses have not turned up. The applicant is in jail since 19.06.2016. Considering the facts and circumstances of the case and the offences are triable by JMFC and further taking into the fact that enormous delay has been caused in trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge