

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 725 of 2018**

- Ghanshyam Sidar S/o Shri Ramlal Sidar, Aged About 46 Years R/o Jamgahan, Chowki Bhatgaon, Thana Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Chowki Bhatgaon, Thana Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

**---- Respondent**

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| For Applicant        | : | Mr. Amrito Das, Advocate.           |
| For Respondent/State | : | Mr. Anil S. Pandey, Govt. Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**11/04/2018**

1. This is the second bail application of this applicant filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant. First bail application bearing MCRC No.1687 of 2017 of the applicant was rejected on merits vide order dated 27.3.2017. Applicant has been arrested in connection with Crime No.256/2015 registered at Police Station– Bhatgaon, Thana Bilaigarh, District– Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120B & 409 read with Section 34 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 15.2.2017. Presently the case is before the trial Court and the trial

against this applicant has made no progress so far. All the co-accused persons have been granted bail by the co-ordinate Benches of this Court. This applicant had filed SLP before the Supreme Court for grant of bail but it was withdrawn and subsequent to that prayer has been made before this Court. Hence, for the reason of delay in trial and the reason that all the co-accused persons are liberty. It is prayed that this applicant may also be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant was the in-charge of the Paddy Procurement Centre in which the huge defalcation of Rs.3 crore has taken place in the paddy purchase of the year 2013-14. The trial against this applicant has commenced and there is all likelihood that the trial will be completed soon, hence, looking to his responsibility, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As the earlier bail application of this applicant MCRC No.1687/2017 has been decided by the co-ordinate Bench of this Court on 27.3.2017 and rejecting the application on merits, hence, the merits of this case shall not be reconsidered in this application.
6. Under the present situation more than one year has passed after passing of the earlier order on bail application of this applicant, and it is a fact that the trial against this applicant has made no progress. It is also a fact that all the co-accused persons have been granted bail by this Court and the co-ordinate Bench of this Court. Hence, there is change in circumstances, I am of this view that this is a fit case where the applicant should be enlarged on bail.

7. Accordingly, this second bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

**(Rajendra Chandra Singh Samant)**

Judge

Nisha