

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 519 of 2018**

Jitendra Banjare @ Jeetu S/o Kishan Lal Banjare Aged About 34 Years R/o Pahanda Road, Baloda Bazar, Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Kishore Narayan, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.03.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was decided on merits by the Co-ordinate Bench of this Court in M.Cr.C. No. 2487 of 2017 dated 18.7.2017. The only prayer in this application is that the trial against this applicant is getting delayed. The applicant has been arrested in connection with Crime No.207 of 2016, registered at Police Station – City Kotwali, Baloda Bazar, Bhatapara, District – Bhatapara, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 417 and 471/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since more than one year and has been falsely implicated in this case. Out of the 18 witnesses in the list of the prosecution case, only three witnesses have been examined so far. Copy of the order-sheets of the trial Court have

been produced for the perusal of this Court. Hence, it is prayed that the applicant 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 the first bail application has been dismissed on merits. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. On perusal of the order-sheets filed before this Court of the concerned trial, it appears that the progress in the trial against this applicant is getting delayed because of non-production of the prosecution witnesses before the trial Court. Hence, only for these reasons, I am of the considered opinion that the applicant deserves to be released on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge