

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 778 of 2018

1. Kunal Kumar S/o Shri Jitu Shah, Aged About 23 Years R/o Near Ghodasahan Railway Station Police Station Ghodasahan, District Motihari Bihar, District : Motihari, Bihar
2. Mohm. Hasan S/o Mohammad Tajuddin Aged About 24 Years R/o Hasan Nagar, Birta Chouk, Police Station Ghodasahan District Motihari Bihar, District : Motihari, Bihar

----Applicants

Versus

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

---- Respondent

For the Applicants	:	Shri Sanjay Agrawal, Advocate.
For the Respondent/State	:	Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08.05.2018.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 69/2017, registered at Police Station – City- Kotwali, District – Raipur, (C.G), for the offences under Sections 457, 380 of the Indian Penal Code.
2. The first bail application to the applicants has been rejected on merits by this Court in M.Cr.C No. 4492/2017, vide order dated 31.10.2017.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. There is change of circumstances, as the witnesses who were examined in the trial against these applicants, are again recalled for trial, for the reason that one of co-accused – (Jitendra @ Jittu), who was shown absconding while filing chargesheet in this case, has been arrested and charge have been framed against him because of which, the witnesses are being recalled who were already examined in that case. Hence, it shows that trial is going to reopen. The applicants are in jail since 05.03.2017 and ready to abide by all the conditions which may be imposed while granting bail to them, hence, it is prayed that they may be released on bail.
4. Learned counsel for the State opposes the bail application and submits that the applicants are resident of another State of Bihar, if they are granted bail their appearance before the trial Court would be affected and that will affect the trial, hence, the applicants are not entitled for grant of bail.
5. Heard counsel for both the parties and perused the case diary.
6. As this is second bail application and the merit of this case shall not be considered. According to the facts present before this Court, the trial against these applicants was almost completed, but the change of circumstance has taken place, that one of the co-accused person was arrested later on and he has been released on bail by the Sessions Court and the said Court also directed to recall all the witnesses, who were earlier examined, hence, the trial is getting delayed.
7. After due consideration, it appears that the conclusion of this case is getting delayed, hence for this reason, I am of the view that it is a fit case where the applicants are entitled for grant of bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a 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.

Sd /-

(Rajendra Chandra Singh Samant)
Judge

Jamal