

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 893 of 2018**

Nitin Sinha S/o Shri Nakul Prasad Sinha, Aged About 26 Years R/o Shrishti Colony, Korin Bhata, P.S. Basantpur, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

**Versus**

State Of Chhattisgarh Through Station House Officer, P.S. Lalbagh District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

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Shri Ishan Verma, counsel for the applicant/s.

Shri Satish Gupta, Govt. Advocate for the State.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**23/02/2018**

This is second bail application. First bail application was rejected on 24/11/2017.

The applicant has been arrested in connection with Crime No.269/2017 registered at Police Station – Lalbagh, District - Rajnandgaon (CG) for alleged commission of offences under Section 394/34 of IPC.

2. Case of the prosecution is that the applicant committed highway robbery armed with weapon and assaulted the victim and looted Rs.5,000/- and mobile.

3. Learned counsel for the applicant would submit that the bail application has been repeated in the changed circumstances that the applicant, by now, has undergone more than eight months of imprisonment and the trial is proceeding with snail's pace as only two prosecution witnesses have been examined. It is further submitted that looking to the over all circumstances of the case, this Court granted liberty to revive the application, if trial is not concluded early. Therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the statement of the looted victim and recovery of weapons used, were earlier considered by this Court to reject the application. Therefore, only on the ground of delay in trial, this application may not be allowed.

5. Taking into consideration the submission of learned counsel for the parties, totality of the circumstances, that the applicant is in jail since more than eight months and that only two prosecution witnesses have been examined till date, at this stage, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-  
( **Manindra Mohan Shrivastava** )  
**Judge**