

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8153 of 2017**

Vijay Kumar Shrivastava, S/o. Laxminarayan Shrivastava, Aged About 26 Years, R/o. Village Rajgamar, Out Post Chowki Rajgamar, Police Station -Balco Nagar, Tahsil and District -Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : P.S. -Kotwali, District -Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arun Kochar, Advocate

For State/respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/03/2018**

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.546/2015, registered at Police Station – Kotwali, District – Korba (C.G.), for the offence punishable under Section 420, 467, 468, 471, 120(B) and 201, 34 of the Indian Penal Code. The first bail application was dismissed on merits vide order dated 08.11.2017 in M.Cr.C.4081/2017.
2. It is submitted by the learned counsel for the applicant that this application has been brought only on this ground that trial against this applicant is being delayed and out of 42 witnesses in the list of the prosecution witness so far only 10 witnesses have been examined.

This applicant is in jail for about more than two years. The case is triable by Judicial Magistrate First Class and the maximum sentence of imprisonment that can be imposed upon the applicant is up to three years. Co-accused Prakash Kumar and Dr. Mohan Koshale have been granted bail by the Coordinate Bench of this Court on their second application for bail on the ground that trial against them is getting delayed and the case of the applicant is also similar to that of those co-accused persons, who have been enlarged on bail. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the trial Court can be directed to conclude the trial expeditiously and no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Earlier bail application bearing M.Cr.C.4081/2017 has been rejected on merits, but subsequent development that has taken place that similarly placed co-accused persons have been granted bail by the Coordinate Bench of this Court on the ground of delay in trial. Considering the documents attached with this application and the certified copies of the order sheet and the deposition sheet of the witnesses, who have been examined before the trial Court so far, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, second 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram