

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1790 of 2018**

Niteen Sorya @ Raj S/o Ratan Lal Sorya, Aged about 28 years, R/o Sector – 22, Packet – 15, House No.75, P.S. Begampur, District Rohini, Outer Delhi India
---- Applicant

Versus

State of Chhattisgarh, Through : P.S. Supela Outpost, Vaishali Nagar, District Durg (C.G.)
---- Non-applicant

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Non-applicant/State	:	Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/04/18

1. The applicant's first bail application was dismissed on merits by order of this Court dated 18-04-2016 passed in M.Cr.C. No.1721/2016. The applicant's second bail application was also dismissed on merits by order of this Court dated 07-10-2016 passed in M.Cr.C. No.6630/2016 and thereafter the applicant's third bail application was also dismissed by this Court vide order dated 08-05-2017 in M.Cr.C. No.2792/2017.

2. This is the fourth 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.1083/2014 registered at Police Station Supela, Outpost Vaishali Nagar, District Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120-B read with Section 34 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that on account of abetment and abduction by the present applicant along with other co-accused, Manish Jaiswal and Sandhya Jaiswal along with their son committed suicide in the intervening night of 24th & 25th of December, 2014 and thereby the applicant committed the aforesaid offence.

4. Learned counsel for the applicant would submit that the applicant is in jail since 02-09-2015 and the applicant was granted liberty by the Supreme Court vide order dated 16-01-2018 to move an application before this Court. Co-accused persons namely, Harvinder Singh and Ashok Kumar are main culprits. The applicant is a monthly employee in the Citizen Finance Company, Delhi and no custodial interrogation of the applicant is required. Charge-sheet has already been filed and no useful purpose will be served by detaining her in jail, therefore, she may be released on regular bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, role of the present applicant, the applicant was granted liberty to move the instant application before this Court by Hon'ble Supreme Court and the fact that he is in custody since 02-09-2015, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. 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/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Kvr