

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2159 of 2018**

Nandu Satnami S/o Ghasiram Satnami Aged About 42 Years
 R/o Village Bhatgaon, Tahsil Pathariya, Police Station &
 District Mungeli, Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through Police Station City Kotwali,
 District Mungeli, Chhattisgarh.
2. Fagudas S/o Chhabi Lal Satnami Aged About 58 Years R/o
 Village Damapur, Police Station Mungeli, District Mungeli,
 Chhattisgarh. --- **Respondents**

For the applicant	:	Mr. Anand Shukla, Advocate.
For the State	:	Mrs. Madhunisha Singh, P.L.
For Respondent No.2	:	Mr. C.P. Lahrey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****14.05.2018**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.244/2004 registered at Police Station City Kotwali, Mungeli, Distt. Mungeli (C.G) for the offences punishable under Sections 498-A, 306 of IPC.
2. The first bail application was dismissed on 28.11.2017.
3. As per the prosecution case, one Sonvati committed suicide because of the appellant and other co-accused for which a case was registered u/s 498-A, 306 read with section 34 of IPC. When the trial commenced, the complainant Fagu Das filed a complaint which was also attached with the S.T.No. 298/2004 wherein the judgment was passed on 28.06.2004

and in such criminal case, the warrant was issued against the present applicant on 23.12.2004 and thereafter he was arrested on 15.05.2017.

4. Learned counsel for the applicant submits that the applicant is in jail since 15.05.2017 and the other accused have been acquitted by the Addl. Sessions Judge by order dated 28.4.2006 passed in Sessions Trial No.298/2004 & S.T.No.295/2004. He further submits that out of 16 witnesses, only 8 witnesses have been examined and there is delay in conclusion of trial, therefore, the appellant may be enlarged on bail.
 5. Per contra, learned State Counsel as also learned counsel for the complainant opposes the bail application.
 6. Considering the facts and circumstances of the case especially the fact that the applicant is in jail since 15.05.2017 and the other accused appears to have been acquitted by order dated 28.4.2006 (Annexure A-4) passed in Sessions Trial No.298/2004 & S.T.No.295/2004, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**