

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6880 of 2017

- Manohari @ Manohar Sahu S/o Moolchand Sahu, Aged About 45 Years R/o Village Aanchhi Dongari, Thana Lormi, Revenue District Mungeli, And Civil District Bilaspur, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Police Outpost Chilfi, Police Station Lormi, District Bilaspur, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. Mirza Hafeez Baig, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/02/2018

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. 58/2017, registered at Police Station- Lormi, District – Mungeli(C.G.) for the offence punishable under Section 420 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case and he is in jail since 17.02.2017. His first bail application MCRC No.1995/2017 decided vide order dated 2.5.2017 was rejected on merits. Subsequent to that the change of circumstance that has taken place, that is the material witness in this case have been examined, who have turned hostile and not supported the case of prosecution and, further, the trial has not yet completed,

therefore, applicant is languishing in jail. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that as per charge-sheet, 17 more witnesses are remaining to be examined and some of them may be material witness. Hence, applicant is not entitled with grant of regular bail.
4. Heard both the parties and perused the case diary.
5. There is no need to consider on the merits of the case as the application has already been decided on merits by the co-ordinate Bench of this Court. In the present situation, three witnesses have been examined. Perused the certified copies of the witnesses examined before the Court, which shows that complainant and other supporting witnesses have turned hostile and there are still 17 witnesses remaining to be examined because of which trial is likely to take some time for its final disposal. Hence, it appears that no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is a fit case for grant of bail.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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/-

(Rajendra Chandra Singh Samant)
Judge