

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3559 of 2018

Rajendra Prasad Sahu S/o Shri Jagdev Prasad Sahu Aged About 50 Years R/o- Permanent Village- Chuhri, P.S.- Tumgaon, District- Mahasamund, Presently Residence Of Near Balgopal School, Sai Vihar Colony Rajendra Nagar, P.S.- New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Mandir Hasoud, District-Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sumit Shrivastava, Advocate
For State	:	Shri Lav Sharma, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/07/2018

Heard.

1. The applicant has been arrested in connection with Crime No. 203 /2015 registered in Police Station -Mandir Hasoud, District -Raipur, for alleged commission of offence under Sections 420, 467, 468, 471/34 IPC.
2. This is the second bail application on behalf of the applicant. His earlier bail application has been rejected on 13.12.2017. This application has been moved in exercise of liberty granted earlier that in case the trial is not concluded in six months, the applicant would be at liberty to revive the application.
3. Learned counsel for the applicant would submit that the allegation against the applicant is that he had taken Rs.6 lakh from one Khushbu Chandrakar in the name of providing employment. He submits that the allegation of having taken

this amount is false and fabricated and the prosecution has not come out with any material to prove payment of this amount to the applicant except the oral statement. He further submits that now the applicant has undergone imprisonment of almost 2 years and, therefore, in these circumstance, at this stage when only 3 out of 15 witnesses have been examined, the applicant may be released on bail.

4. On the other hand, learned counsel appearing for the State opposed the application and submits that though as against the applicant, the allegation is of taking Rs.6 lakh, number of persons were cheated by more than one accused and a total of Rs.26 lakhs were collected in the name of providing employment, therefore, looking to the magnitude of the offence, only on the ground of delay in trial, the applicant may not be granted bail.
5. Taking into consideration the submissions made by learned counsel for the parties, amount alleged to have been taken by the applicant and further that the applicant is in jail since 31.7.2016 i.e. almost 2 years and out of 15 witnesses, only 3 witnesses have been examined and further taking into consideration that in case of grant of bail to the applicant, he is not likely to flee away from justice or in a position to tamper with the prosecution witnesses, I am inclined to allow the application.
6. The application is accordingly 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 concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge