

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4524 of 2018

Dilip Singh Rathore S/o Late P.S. Rathore Aged About 65 Years Caste-
Kshatriya Rajput, R/o- Street No.12, Plot No. 75/07, Nehru Nagar (East),
Bhilai, P.S. Supela, Bhilai, Tehsil And District- Durg, CG **----Applicant**

Versus

State Of Chhattisgarh Through- The Police Station, Durg, Chhattisgarh.,
--- Respondent

For Applicant	:	Shri Manish Sharma, Advocate
For Respondent/State	:	Shri Anand Dadariya, G.A.

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

Order On Board

31/08/2018

Heard.

This is repeat application for grant of bail. Earlier application was rejected on 22.11.2017 mainly on the ground of long detention during trial. The applicant is in jail since 15.03.2017.

1. The applicant has been arrested in connection with Crime No.177 of 2017 registered at Police Station- Durg (CG) for the alleged commission of offence under Section 393, 398, 120(B) & 201, 34 of IPC and Section 25 & 27 of the Arms Act.
2. Learned counsel for the applicant submits that presently the vital witnesses including witnesses of seizure have been examined, report of handwriting expert has also been obtained and examined in the Court. Therefore, at this stage, the applicant may now be granted bail. It is also submitted that the witnesses of seizure have not supported the case of the prosecution, was considered by this Court earlier. However, in the present circumstance when the entire case is based only on document allegedly prepared by the applicant and when there is no other clinching evidence against the applicant, his long detention may be considered for grant of bail.
3. On the other hand, learned counsel for the State, opposing the bail application by submitting that looking to the nature and gravity of allegation against

the applicant regarding attempt to commit theft, the application may be rejected, particularly when handwriting expert also incriminates the present applicant.

4. Having considered the submission of learned counsel for the parties, particularly taking into consideration the detention of the applicant in jail since 15.03.2017 and that the trial has not yet concluded and further that almost all the material witnesses have already been examined and that the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

5. 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