

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4968 of 2018

Raju Bharati, S/o. Shri Shatruhan Bharati, Aged About 27 Years, Caste Suryawanshi, R/o. Village Pachpedi, Police Station Pachpedi, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Civil Line Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajeev Kumar Dubey, Advocate
For Respondent	:	Mr. Ashok Kumar Swarnakar, P.L.
For Objector	:	Mr. Virendra Verma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/08/2018

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.52/2017, registered at Police Station- Civil Line, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 420, 467, 468 & 471 of the Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 02.05.2018 in M.Cr.C. No.2118/2018.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 28.12.2017. Charge-sheet in this case has been filed after completion of investigation on 25.01.2018. After framing of charge, not a single witness has been examined in the trial Court and the complainant and other main accused are avoiding the process of Court. Certified copy of the order sheet is attached along with this application to show non-cooperation of the important witnesses. Hence, for this reason, this applicant is languishing in jail without fault on his part. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State as well as learned counsel for the objector opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is this that he received Rs.3.00 lakhs by giving inducement to the complainant that he can arrange for his appointment as driver in the High Court of Chhattisgarh. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also perused the certified copy of the order sheet of the trial Court, which shows that till date not a single witness has been examined in the trial against the applicant and also for the reason that this applicant does not have any criminal antecedents and the trial against him is likely to take sometime, this Court is of the opinion that present is a fit case, in which, this applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge