

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No.5069 of 2018

Prem Lal Sahu S/o Lt. Shri Ram Singh Sahu, aged about 40 years, R/o
Amlidih, Raipur, District Raipur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The District Magistrate, Raipur, District
Raipur (C.G.).

---Respondent

For applicant	:	Shri Pragalbha Sharma, Advocate.
For resp./State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.90/2017 registered at Police Station Azad Chowk, Raipur (C.G.) for the offence punishable under Sections 419, 420, 467, 468 & 201 r/w 34 of IPC.
2. Present is a repeat bail application.
3. The earlier bail application stood rejected by this Court on merits vide order dated 13/12/2017.
4. Present applicant is in jail since 29/04/2017.
5. The counsel for the applicant submits that, the ground on which the second bail application has been filed is the period of custody undergone by

the present applicant and also the fact that the trial itself has not yet substantially commenced in the instant case.

6. According to the counsel for the applicant, though the present applicant was arrested on 29/04/2017 and the chargesheet was filed as early as on 25/07/2017 and the prosecution have cited as many as 12 witnesses, they have till date not examined even a single witness as is reflected from the ordersheet of the trial Court and thus prayed for releasing the applicant on bail.

7. The aforesaid submission made by the counsel for the applicant is not controverted by the State counsel on perusal of the certified copy of the ordersheet of the trial Court produced during the course of hearing.

8. Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that the prosecution has failed to examine even a single witness though the chargesheet has been filed about 1 year ago and the applicant is in custody now for a period of about 15 months, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

9. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE