

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6097 of 2018

- Atul Pratap Singh S/o Krishna Pal Singh Aged About 35 Years R/o Chandrahaspura, Outpost Hanumantpura, District Itwa, Present Address H-10 Siode No. 1, City Center, Gwalior, District Gwalior Madhya Pradesh, District : Gwalior, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Darri, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Srivastava, Advocate.
For Respondent : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/10/2018

1. This is third bail application of the applicant. His first application was dismissed on merits in MCRC No.4333 of 2017 vide order dated 23.10.2017 and second application bearing MCRC No.4785 of 2018 was dismissed for want of prosecution vide order dated 03.8.2018.
2. This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail to the applicant who has been arrested in connection with Crime No.52/2016 registered at Police Station – Darri, District– Korba (C.G.) for the offence punishable under Sections 420 & 409 of Indian Penal Code

and Sections 4, 5 & 6 of the Prize Chits and Money Circulation (Banning) Act, 1978.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Presently the case is pending before the trial Court, the progress of trial is very slow and so far out of 62 witnesses, only 17 witnesses have been examined by the trial Court. The applicant is in jail for the last about 2 years & 5 months and looking to the possible delay in conclusion of trial it is prayed that applicant be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that earlier application for grant of bail has been rejected on merits; number of persons have been cheated by this applicant thereby huge loss has been caused to the aggrieved persons. Hence, the applicant is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. First bail application bearing MCRC No.4333 of 2017 was decided on merit on 23.10.2017 and since then about one year has passed but out of total 62 witnesses, only 17 witnesses have been examined by the trial Court. Looking to the slow pace of trial and also for the reason that applicant is in jail for the last about 2 years & 5 months, it can be said that he is languishing in jail without there being any fault on his part, therefore, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the 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 two local

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

Nisha