

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6117 of 2018

- Tarak Ranjan Manjhi S/o Sunil Ranjan Manjhi, Aged About 37 Years, R/o- Amlidih Raipur, P.S. New Rajendra Nagar, Raipur, Chhattisgarh, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Telibandha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-09-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application, MCRC No.658 of 2018 was rejected on merits vide order dated 30-04-2018. The applicant has been arrested on 29-06-2016 in connection with Crime No.128/2015 registered at P.S. -Telibandha, Raipur, District- Raipur, Chhattisgarh for the offence under Section 420, 467, 468, 471, 34 of the IPC.

2. It is submitted on behalf of the applicant that subsequent to the earlier order of rejection passed by this Court, the circumstances have changed substantially. The applicant is in jail since 29-06-2016. The reason mentioned by this Court for rejection was this, that various criminal cases are pending against the applicant, regarding which wife of this applicant has filed an affidavit giving details of the cases in which the applicant has been prosecuted, which are 20 in numbers, out of which the applicant has been acquitted in 15 cases and convicted in three cases, out of which his sentence of imprisonment has been suspended by this Court in two cases and the applicant is going to apply for suspension of sentence and grant of bail in third case before the

appellate Court. Only two cases are pending against him, out of which he has been benefited with grant of bail by the Sessions Court itself in one case, hence, this is the only case which is pending in which this applicant is in detention. It is also submitted that the trial against the applicant is getting delayed and so far only one witness has been examined out of 9 witnesses in the prosecution list. Hence, it is prayed that under these circumstances, the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the numerosity of the prosecution against the applicant, it appears that he is habitual offender, hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The earlier application for grant of bail has been considered on merits, now, the consideration shall be limited to only this extent whether the trial against the applicant is getting delayed and whether the circumstance of numerous prosecutions has improved?

6. On the basis of the information supplied by the applicant side on affidavit, it appears that in most of the cases the applicant has been acquitted, on the other hand, he has been convicted in some cases, but the applicant is keen to prosecute in appeal his conviction, before the Appellate Court and considering this fact, that this is only case in which the applicant is in detention since more than two years, hence, it appears that there is sufficient change which can be held as reason for allowing this application.

7. Hence, after due consideration, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the

satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil