

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6286 OF 2018

Md. Abdul Sami S/o Abdul Qadeer Aged About 38 Years R/o- Boriyakala Housing Board Colony, P.S. Mujgahan, District- Raipur, Chhattisgarh.

... Applicant

Versus

State of Chhattisgarh, through the District Magistrate, Raipur, District Raipur (CG).

... Respondent

For Applicant	:	Shri Pragalbha Sharma, Advocate.
For Respondent-State	:	Shri RN Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/10/2018

1. This is first bail application seeking grant of bail to the Applicant who is in jail since 29.04.2017 in connection with Crime No. 90 of 2017 registered at Police Station Azad Chowk, Raipur, for the offence punishable under Sections 420,419,467,468,471 and 201/34 IPC.
2. As per prosecution case, the applicant and other co-accused person is said to have obtained loan from Bajaj Finance Ltd. by producing fake and fraudulent documents pertaining to identity of the person. The applicant was arrested and is in custody for about 1 and ½ years and inspite of fact that charge sheet has been filed by the prosecution before the criminal court on 25.07.2017, till date not a single witnesses have been examined by the prosecution and as such there is no likelihood of an early conclusion of trial. Moreover, the co-accused Prem Lal Sahu has already been granted bail by this court on the ground of there being delay in trial vide order dated

17.07.2018 in MCRC No. 5069 of 2018. Therefore, the present applicant may also be released on bail.

3. The State counsel however opposing the application submits that admittedly there appears to be some delay in conclusion of trial but so far as applicant is concerned since it was the applicant who had manipulated the documents for the purpose of obtaining loan from Bajaj Finance Ltd. and therefore it is the present applicant who can be said to be the main accused person and as such he does not deserve for bail.
4. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that there is delay in trial; the co-accused person namely Prem Lal Sahu have already been granted bail by this Court and considering the fact that the applicant has remained in custody for about 18 months and till date not a single witnesses have been examined by the prosecution, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
5. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge