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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6939 of 2018**

Arvind Dalmiya S/o Om Prakash Dalmiya Aged About 40 Years R/o- Park City Colony, Orissa Road Raigarh, P.S. City Kotwali Raigarh And Tahsil- Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajesh Pandey, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.10.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application has been rejected on merits by this Court in M.Cr.C. No. 1067 of 2018, vide order dated 16.5.2018. The applicant has been arrested in connection with Crime No.306 of 2017, registered at Police Station – Saraipali, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 395, 398 and 120B of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The only allegation against the applicant is that he provided a car to the co-accused persons, which was made use in committing the offence of dacoity by them. This applicant was not a participant in that offence. After completion of investigation, the charge-

sheet has been filed and there is no likelihood that the trial will be completed soon. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the earlier application for grant of bail has been rejected on merits, hence, the merits cannot be considered again. Filing of charge-sheet does not bring any change in the circumstances which were considered earlier. Hence, the application be rejected.

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

5. While deciding the earlier bail application, the involvement of the applicant in the alleged commission of crime has been considered. Subsequent to filing of charge-sheet so far, almost half of the witnesses of the prosecution list have been examined by the trial Court and there are still other witnesses to be examined. Filing of charge-sheet alone does not bring any change in the circumstances. Hence, after due consideration, I do not find any reason to allow this application.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, the trial Court is directed to expedite the trial and conclude the same preferably, as far as practicable within a period of six months from the date of receipt of the copy of this order.

Sd/-

(Rajendra Chandra Singh Samant)
Judge