

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7560 of 2018**

Rahul Agrawal S/o Rajkumar Agrawal Aged About 24 Years R/o Chhatamura Baypass Chowk Raigarh Thana Tahsil And 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 Sanjay Agrawal, Advocate.
For the Respondent/State : Shri Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.12.2018**

Heard.

1. This is the fourth bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 6.12.2017 in M.Cr.C. No. 7212 of 2017, the second bail application was rejected on merits by this Court on 2.4.2018 in M.Cr.C. No. 818 of 2018 and the third bail application was dismissed as withdrawn on 30.7.2018 in M.Cr.C. No. 3004 of 2018.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 and 120B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since more than one year and has been falsely implicated in this case. No

progress has taken place in the trial against him. The witnesses of the memorandum have been examined before the Court below who have not supported the prosecution case. Apart from that, there is no other evidence in the prosecution case. Hence, looking to the fact that the trial against the applicant is getting delayed, 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 already the bail application of the applicant has been rejected on merits earlier. Hence, he is not entitled for grant of regular bail.

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

5. Considered the material present in the case-diary. The trial is getting delayed, this applicant is languishing in jail without any fault on his part and no progress has taken place in the trial against the applicant. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi