

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7807 of 2017

- Sandeep Baghmar S/o Late Shri Vishwanath Baghmar, Aged About 24 Years R/o Begar Kela, Dahoti, Distt, Gumla Police Station Basiya Jharkhand.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Navin Shukla on behalf of Mrs. Fouziya Mirza, Advocate.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

21/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 238/2016, registered at Police Station- Kotwali, District – Raipur(C.G.) for the offence punishable under Sections 420, 467, 468, 471, 511, 120B of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 16.10.2017. Co-accused persons namely-Santosh Chaudhari, Vijay Bhai Parmar and Prakash Kumar Ojha have already been released on regular bail by this Bench and co-ordinate Bench of this Court on the ground of delay in trial. Allegation against present applicant is also similar to that of co-accused persons who have been granted regular bail. Hence, it is

prayed that this applicant may also be released on regular bail on the ground of parity.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the applicant is the resident of Jharkhand and the trial against this applicant is in progress, which is likely to be completed very soon. Hence, the application may be rejected.
4. Heard both the parties and perused the case diary.
5. The allegations against this applicant is this, that he along with other co-accused persons presented a forged cheque, purported to be issued by complainant Nagendra Kumar Tiwari at Ahmedabad, before the Bank of India, Branch at Lemdi, Ahmedabad, but the same could not be encashed as the bank authorities found the cheque doubtful. Accordingly, FIR was lodged and after completion of investigation, the charge-sheet has been filed.
6. On perusing the orders dated 11.10.2017 & 7.12.2017 passed by the co-ordinate Bench of this Court in MCRC Nos.5929/2017 & 7191/2017 respectively and also the order dated 5.12.2017 passed by this Court in MCRC No.3732 of 2017, it appears that the ground on which the bail was granted to co-accused persons was this that the trial against them and present applicant has been extended because the application filed by the prosecution under Section 311 of CrPC for summoning 16 more witnesses was allowed by the concerned trial Court and the same would definitely cause delay in trial. In these circumstances, I am of this view that present applicant is also entitled to be released on regular bail on the ground of parity.
7. Accordingly, the first 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 one local surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha