

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8766 of 2018**

Shailendra Agrawal @ Banti, aged 29 years, S/o. Late Anand Ram Agrawal,
R/o. Shakti Ward, Bhatapara, Police Station – Bhatapara, District – Baloda
Bazar (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, P.S. - Dharsiva, District
– Raipur, Chhattisgarh.

----- Respondent

For Applicant	:	Mr. Rajeev Shrivastava, Advocate
For Respondent	:	Mr. Avinash K. Mishra, P.L.
For Objector	:	Dr. Sourabh Kumar Pandey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/11/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.231/2018, registered at Police Station- Dharsiva, District – Raipur (C.G.) for the offence punishable under Section 381 of the Indian Penal Code. The first bail application of the applicant was dismissed on merits vide order dated 25.09.2018 in M.Cr.C. No. 6130/2018.
2. Learned counsel for the applicant submits that change in circumstance that has taken place is this, that charge has been framed against this applicant only for the offence under Section 381 of Indian Penal Code, which is an offence punishable up to 7 years of imprisonment, triable by any Magistrate and compoundable. At the early stage, the offences that were registered against the applicant have not been taken into

consideration by the trial Court while framing the charges. Hence, under these circumstances and for the reason that there is every likelihood of delay in conclusion of trial, the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that already the application for regular bail has been rejected on merits and only change pointed out is framing of charge, can not considered as change in circumstance, hence, the application be rejected.
4. Counsel for the objector submits that the applicant has committed theft and misappropriated huge amount of Rs.50.00 lakhs by defrauding his employer and his business, if he is released on bail, he may continue in commission of such offence, hence, the application be rejected.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. After considering on the previous order passed by this Court, and the facts and circumstances of the case, it appears that now the trial Court has decided to try the applicant only for the offence under Section 381 of I.P.C., which is triable by any Magistrate and there is every likelihood of delay in conclusion of trial, further, there is no submission that this applicant has any criminal antecedents and he appears to be a local resident, whose availability can be ensured by imposing conditions, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram