

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1154 of 2019**

- Prashant @ Chinkey Bhardwaj S/o Virendra Bhardwaj Aged About 19 Years R/o Singhanpur, P. S. Kosir, District Raigarh Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Dabhra, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant : Shri Ajay Ayachi, Advocate

For Respondent/State : Shri Chandresh Shrivastava, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****25/02/2019**

1. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 26.11.2015 in connection with Crime No.302/15 registered at Police Station Dabhra, District Janjgir-Champa (CG) for the offence punishable under Sections 341, 395/34 & 294 IPC.
2. The first bail application was dismissed with liberty to repeat the same after examination of the complainant. The second bail application bearing M.Cr.C. No.2282 of 2018 was dismissed on 19.04.2018.
3. As per the prosecution case, on 11.11.2015 while the victim Suklambar Sarthi was going on his motorcycle, the applicant and others intercepted and abused

him and looted mobile and cash of Rs.7000/- for which a report was made.

4. Learned counsel for the applicant submits that on the date of dismissal of the second bail application i.e. on 19.04.2018 out of 24 witnesses only 17 witnesses were examined and the same situation still persists today and no further evidence has been recorded, which would be evident from the order-sheets that the witnesses are not served and the applicant is in jail since 26.11.2015, therefore, he may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the second bail rejection order dated 19.04.2018, wherein the bail was dismissed on the ground that the trial was at the fag end, it appears that till today the trial has not concluded and the applicant is in jail since 26.11.2015, considering the same, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu