

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1776 of 2019**

Smt. Meenakshi Shrivastava W/o Kumar Abhishek Aged About 37 Years R/o Flat No. 601, R N Enclave, Kranti Factory Road, Gandhinagar, Kankad Bag, Patna, District Patna (Bihar), District : Patna, Bihar.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Civil Lines , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri N. Naha Roy, Advocate.
For the Respondent/State : Shri Arun Kumar Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.03.2019**

Heard.

1. This is the fourth bail application of the applicant. The first bail application of the applicant was dismissed on merits on 16.4.2018 in M.Cr.C. No. 814 of 2018, the second bail application was dismissed for non prosecution on 13.7.2018 in M.Cr.C. No. 4149 of 2018 and the third bail application was dismissed as withdrawn on 30.8.2018 in M.Cr.C. No. 5279 of 2018. The applicant has been arrested in connection with Crime No.608 of 2013, registered at Police Station – Civil Lines, District – Raipur, Chhattisgarh for the offence punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since the date of her arrest and the trial against her has also made some progress. On the basis of the evidence of the witnesses recorded so far, an application was filed before the Court below under Section 319 of the Cr.P.C. for making an additional accused in this case, which was rejected. Subsequent to that, the applicant and the other co-accused have filed a Cr.M.P. before this Court in which by order dated 7.8.2018, the proceedings of the Court below have been stayed, therefore, the trial against the applicant is making no progress. Hence, for these reasons, 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 no ground is made out as new development in this case in favour of the applicant. The additional accused that is proposed to be made in this case is a witness of the prosecution, against whom there is no such evidence available so far in the trial to array him as an accused in this case. Apart from that, the proceedings of the trial Court have been stayed on a prayer made by the applicant and the other petitioner. Hence, the applicant is not entitled for grant of regular bail.

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

5. Perused the copies of the deposition of the witnesses without making any comment as the matter is pending before the Coordinate Bench of this Court for decision on the issue of arraying of additional accused in this case,

I am of this opinion that the reason for delay in trial in this case cannot attributed on the part of the prosecution. Hence, for these reasons, I do not feel inclined to grant regular bail to the applicant in this case.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge