

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5196 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

----Non-applicant

For Applicant – Shri N. Naha Roy, Advocate.

For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-12-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is sixth bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 12-04-2017 in connection with Crime No.608/2013 registered at P.S. - Civil Lines, District - Raipur, Chhattisgarh for the offence under Section 420, 468, 471, 34 of the IPC.

2. It is submitted that the applicant is in jail since 12-04-2017. Her first bail application filed by her MCRC No. 814/2018 was dismissed on merits on 16-4-2018, during pendency of this petition the applicant was granted temporary bail by order dated 20-02-2018, subsequent to which she has surrendered and sent to custody. Her another application MCRC No.4149/2018 was dismissed for non-prosecution on 13-07-2018, subsequent to which, MCRC No.5279/2018 was filed which was dismissed as withdrawn on 30-08-2018. The applicant then filed another repeat application MCRC No.1776/2019 which has been dismissed by order dated 26-03-2019. Thereafter, the applicant was granted temporary bail in MCRC No.2674/2019 vide order dated 16-04-2019 and on completion of the limited period she has again surrendered and sent to jail.

3. It is submitted that co-accused in this case Kumar Abhishek has been granted bail by the coordinate Bench in MCRC No.554/2019 on 05-07-2019. The trial against the applicant is standstill and therefore it is prayed that the application be allowed.

4. Learned counsel for the State/non-applicant opposes the application submitting that the applicant is the main accused in this case. Her earlier application has already been rejected on merits, further, the trial against the applicant is standstill because Cr.M.P. No.1300 of 2018 has been filed by her before this Court in which a stay order has been passed. Hence, she herself is responsible for delay in trial. Further, the co-accused has been granted bail by making an erroneous mention that this applicant has been granted regular bail, whereas, she has only granted temporary bail. Hence, her application be rejected.

5. Heard learned counsel for both the parties and perused the documents.

6. The merits of the case need not to be decided again.

7. For the reason that the applicant has undergone almost three years in jail, although she may herself be responsible for stay of proceeding in trial, but she has right to challenge the legality of the proceeding against her, and also considering that the co-accused has been released on bail, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge