

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6207 of 2019

Mahavir Das, S/o. Late Sulochan Das, Aged About 66 Years, R/o. Village Ghumra, P.S. Tapkara, Tahsil Farsabahar, District- Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Sitapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vineet Kumar Pandey, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/10/2019

1. This is the second 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.178/2016, registered at Police Station – Sitapur, District – Surguja (C.G.) for the offence punishable under Section 420, 120-B, 467, 384, 508, 34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 25.02.2019 in M.Cr.C. No.1148 of 2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 20.07.2017.

Subsequent to filing of charge sheet, till date not a single witness of prosecution has been examined. On the similar ground of delay in trial, one co-accused Harishankar Das Bairagi has been granted bail by this Court. Hence, on this ground, it is prayed that the applicant may be enlarged on regular 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 this applicant is the main accused, who in association of co-accused person, cheated the complainant and got delivered Rs.35.00 lakh over a period of time. Hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the complainant Kaleshwar Paikara met with this applicant and other co-accused person for treatment of his wife and daughter by witchcraft. Witchcraft was done by this applicant and other co-accused persons for quite sometime and on the inducement given by all of them, complainant was made to deliver in total Rs.35.00 lakh on various occasions and thereafter the FIR has been lodged.
6. Considered on the submissions made and the contents of the case diary. Considering that the applicant is in jail since more than two years, case is now pending for trial and the witnesses of the prosecution are not appearing and on similar ground, the other co-accused persons has been granted bail, hence for these 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 the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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