

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6347 of 2019

- Prakash Reddy, S/o Shankar Rao Reddy, Aged About 31 Years, R/o New Dindayal Nagar Colony, Khamariya, Bhilai Chaoki Jevra Risda, P.S. Pulgaon, District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through SHO, Police Station Saja, District : Bemetara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21.10.2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is *third* bail application before this Court filed by the applicant for grant of regular bail. The first bail application MCRC No.679/2018 was dismissed on merits on 09.04.2018. Thereafter, another application was filed MCRC No.7515/2018, which was dismissed as withdrawn on 02.11.2018 with liberty to revive after six months, in case the case is not disposed off. The applicant has been arrested in connection with Crime No.248/2017, registered at Police Station– Saja, District-Bemetara, Chhattisgarh for offence punishable under Sections 420, 409, 467, 468, 471 and 1209-B of the I.P.C.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. The other co-accused Rajesh Sharma has been granted bail by this Court on the ground of delay in trial and this applicant is similarly placed. Out of total 157 witnesses in the list of witnesses so far, only 100 witnesses have been

examined. The applicant is in jail since about two years and three months and there is not likely hood to conclude trial, therefore, prayed that application be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is the main accused as he had been instrumental in transferring the amount of loans sanctioned to the fake accounts of the said fake beneficiaries, therefore, prayed that application be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. The first bail application was rejected on merits, therefore, now the application can be considered only on the ground of change in circumstances.
6. The first change is that this one of the co-accused has granted bail and the second circumstances is that despite passing of more than three years, the trial against this applicant is still not concluded. As the co-accused has also granted bail on the ground of delay, therefore, on the ground of parity, this applicant is also entitled for grant of bail, hence, I feel inclined to allow this application.
7. 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 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

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