

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8902 of 2018

- Dev Kumar Dubey S/o Late Shri Girjanand Dubey Aged About 50 Years Caste- Brahman, R/o Village- Banpurwa, Police Station- Gadhawa, District- Gandhawa, Jharkhand., District : Garhwa *, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Jainagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate
For State/respondent	: Mrs.Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/01/2019

1. This is the second bail application. His first application MCRC No.418 of 2018 was rejected on merits vide order dated 20.3.2018.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.30/2000 registered at Police-Station-Jainagar, District-Surajpur(C.G.) for the offence punishable under Sections 392, 397/34 of the Indian Penal Code & 25, 27 of Arms Act.

3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. It is submitted that almost a year is going to pass after the rejection of earlier application for grant of bail, but the trial against the applicant has still not made any progress and the order-sheets have been filed to impress upon the Court that the trial against the appellant is stand still, hence, on that basis, it is prayed that applicant be granted regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that since the earlier application was rejected on merits, therefore, this applicant is not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The earlier application has been rejected on merits but subsequent to that the case against the applicant should have expedited and come near completion. Almost 9 to 10 months have passed, but on perusal of order-sheets of the concerned trial, it appears that not a single witness has been examined so far. The appellant is in jail since 13.10.2017, hence, for the reason that the trial against the applicant is getting delayed without any fault on the part of the applicant, for this reason, I am of the view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, this second bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha