

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7325 of 2019

Kalu Ram Sharma @ Ajay Sharma, S/o. Late Gendlal Sharma, Aged About 49 Years, R/o. Jain Bada Baijnath Para Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Gol Bazar, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Navin Shukla with Mr. Shakib Ahmad, Advocates
For Respondent/State	: Mr. Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/11/2019

1. This is the third 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.104/2016, registered at Police Station – Golbazar, District – Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, read with Section 34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 17.01.2018 in M.Cr.C. No. 1676/2017 and the second bail application was dismissed on merits vide order dated 15.03.2019 in M.Cr.C. No.1181 of 2019.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 19.11.2016, thus he has completed almost three years in jail. Prayer in this application is only on the ground of delay in conclusion of trial. There are 30 witnesses cited in the charge-sheet out of which so far only 12 witnesses have been examined. The period of detention that applicant has undergone may be the total sentence of imprisonment, which can be imposed upon him. Therefore, it is prayed that, this applicant be granted 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 it is a case of huge fraud by which a widow has been cheated of her compensation of Rs.85.00 lakhs by the applicant and his wife, the co-accused, who is still absconding, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Earlier application M.Cr.C. No.1181/2019 was dismissed on merits. Subsequent to which change in circumstances, which is apparent that the trial has not proceeded as it should have proceeded. The trial Court has to be vigilant in trial of under trial prisoners so that trial is completed as early as possible with the result whatsoever, therefore, considering on the status of the trial and also the likelihood that much more time is needed for completion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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