

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7544 of 2019

- Manoj Nagdeve S/o. Ramji Nagdeve, Aged About 26 Years R/o- Atal Awas Block- 12, Pandrey, Rajnandgaon, Tahsil And District Rajnandgaon, Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Basantpur, District- Rajnandgaon, Chhattisgarh

---- Respondent

For applicant	Mr. Amit Kumar Sahu, Adv.
For non-applicant/State	Mr. Praveen Kumar Shrivastava, PL.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

5-12-2019

1. This is fourth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His first bail application being MCRC No. 2675/2018 was dismissed on merit vide order dated 9-5-2018. His second bail application being MCRC No. 4861/2018 was dismissed vide order dated 11-7-2018 on merit. His third bail application being MCRC No. 3288/2019 was dismissed vide order dated 20-6-2019 as withdrawn with a direction to the trial Court to expedite the trial and dispose of the same within 2 and half months.
2. Applicant has been arrested in connection with Crime No. 104/2018 registered in police station Basantput for offence punishable under Section 392, 411, 34, IPC
3. Prosecution story in brief is that on 12-3-2018 at 9 pm complainant Anand Tejawani was returning back with sale amount of Rs. 6,50,000/- in a scooty. When he reached near Lalbagh, three persons came from behind in a motorcycle, beat the complainant and snatched Rs. 6,50,000/- from him and fled away. On the basis of memorandum of the applicant, Rs. 1 lac was seized from him.

4. Counsel for the applicant argued that applicant is in jail since long back. While deciding 3rd bail application this Court had directed trial Court to dispose of the case within 2 and ½ months from the date of receipt of copy of that order i.e. 20-6-2019. Hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. He submits that no criminal antecedent is reported in the police case diary against the applicant.
6. This Court has granted bail to co-accused Mahesh Thakur and Shahbaj Khan later. The case of the applicant is not more severer than case of the co-accused Mahesh Thakur and Shahbaj Khan. The trial Court has not concluded the trial in stipulated time given by this Court.
7. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 am as and when directed till trial, he be released on bail.
8. A brief report be called from the concerned trial Court as to whether he had applied for extension of time after expiry of the period prescribed by this Court vide order dated 20-6-2019. He is also directed to submit date wise progress report of the trial.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge