

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9861 of 2018**

Harishankar Das Bairangi S/o Shri Mahaveer Das Aged About 22 Years R/o Village Ghumra, Police Station Tapkara, Tahsil Farsabahal, District (Revenue And Civil) Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Sitapur, District (Revenue And Civil) Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Vineet Kumar Pandey, Advocate.
For the Respondent/State : Shri Arun Shukla, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.01.2019**

Heard.

1. This is the second bail application of the applicant. The first bail application has been dismissed on merits by this Court in M.Cr.C. No. 790 of 2017 on 23.10.2017. The applicant has been arrested in connection with Crime No.178 of 2016, registered at Police Station Sitapur, District Surguja, Chhattisgarh for the offence punishable under Sections 420, 120B, 467, 384 and 508/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Almost more than one year has passed since the date of earlier bail rejection and even then the trial against the applicant has not commenced with. Hence, looking to the delay of trial, it is prayed

that the applicant be enlarged on 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 already the earlier application has been decided on merits, hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the submissions made by counsel for the applicant that the trial against the applicant has not been commenced. The trial is getting delayed and this applicant is languishing in jail without any fault on his part. Hence, I am of the view that in this case the applicant deserves to be enlarged on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge