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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9951 of 2018

1. Ankit Kashyap S/o Shailendra Kashyap Aged About 26 Years R/o Kotra Road, Dhargardeep, Police Station And Tahsil Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRC No. 41 of 2019

1. Arvind Dalmiya S/o Om Prakash Dalmiya, Aged About 40 Years, R/o Park City Colony Orissa Road Raigarh P. S. City Kotwali, Raigarh And Tahsil Raigarh District Raigarh Chhattisgarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRC No. 9975 of 2018

1. Guddu Singh S/o Late Shri Chanchal Singh, Aged About 33 Years, R/o Dumri Adda, Post Dumri, Police Station Doriganj, District Saran, Chapra, Bihar., District : Saran, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Saraipali, District- Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRC No. 9756 of 2018

1. Ashok Kumar Agrawal S/o Shyamlal Agrawal, Aged About 44 Years, Caste Agrawal, R/o 51 Park City Raigarh, Thana, Tahsil And District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saraipali District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri Sanjay Agrawal, Advocate (in MCRC No.9756 of 2018 and MCRC No.41 of 2019),
Shri B.P. Singh, Advocate (in MCRC No.9975 of 2018),

Shri Amit Sharma, Advocate (in MCRC No.9951 of 2018).
For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-01-2019

1. As these four applications arise out of the same crime number, i.e., Crime No. Crime No.306/2017 registered at P.S. Saraipali, District-Mahasamund, Chhattisgarh, for the offence under Sections 395, 398, 120B of the IPC and Sections 25 & 27 of Arms Act, they are being decided by this common order.

2. Applicant Ankit Kashyap (applicant in MCRC No.9951 of 2018) and applicant Guddu Singh (applicant in MCRC No.9975 of 2018) have been arrested on 14-10-2017 and applicant Arvind Dalmiya (applicant in MCRC No.41 of 2019) and applicant Ashok Kumar (applicant in MCRC No.9756 of 2018) have been arrested on 18-10-2017 in connection with aforesaid crime number and offence, hence, they have filed these applications for grant of regular bail.

MCRC No.9951 of 2018 is second bail application filed before this Court by applicant Ankit Kashyap under Section 439 of the Cr.P.C. for grant of regular bail. His first bail application MCRC No.825 of 2018 was dismissed on 02-04-2018 by this Court.

MCRC No.9975 of 2018 is third bail application filed before this Court by applicant Guddu Singh under Section 439 of the Cr.P.C. for grant of regular bail. His first bail application MCRC No.1275 of 2018 was dismissed on 16-05-2018 by this Court. His second bail application before this Court, MCRC No.6157 of 2018 was dismissed on 10-09-2018.

MCRC No.9756 of 2018 is third bail application filed before this Court by applicant Ashok Kumar Agrawal under Section 439 of the Cr.P.C. for grant of regular bail. His first bail application MCRC No.7240 of 2017 was dismissed as

withdrawn on 06-12-2017. His second bail application before this Court, MCRC No.1067 of 2018 was dismissed on 16-05-2018.

MCRC No.41 of 2019 is third bail application filed before this Court by applicant Arvind Dalmiya under Section 439 of the Cr.P.C. for grant of regular bail. His first bail application MCRC No.961 of 2018 was dismissed on 16-05-2018. His second bail application before this Court, MCRC No.6939 of 2018 was dismissed on 30-10-2018.

3. It is submitted by learned counsel for the applicants in all these applications that the trial against them is getting delayed. One of the co-accused Rahul Agrawal has been granted bail by this Court only on the ground that the trial is getting delayed. The applicants are also similarly placed. The main culprits in this case have not been arrested so far. Therefore, it is prayed that all the applications may be allowed and the applicants may be enlarged on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that the earlier applications of all the applicants have been rejected on merits and none of them is entitled for grant of regular bail.

5. Heard learned counsel for the parties and perused the case diary.

6. The earlier applications of all these applicants have although rejected, but, one of co-accused Rahul Agrawal has been granted bail on the ground that the trial is getting delayed, hence, on the ground of parity the prayer of bail cannot be refused. Therefore, only on this ground that the trial is getting delayed against these applicants, I feel inclined to allow these applications.

7. Consequently, these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

In case any default is committed by the applicant(s) in appearing before the concerned trial Court, this order granted bail shall stand cancelled automatically.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil