

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1947 of 2020

Sandip Kumar Singh S/o Ravindra Pratap Singh Aged About 26 Years R/o-
Village Ghoghra, Police Station And Tehsil Batouli, District Surguja,
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Batauli, District Surguja,
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate
For State	:	Shri Siddharth Dubey, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/06/2020

Heard.

1. The applicant has been arrested in connection with Crime No.36 of 2017 registered at Police Station-Batauli, District- Surguja CG), for alleged commission of offence under Sections 420, 409 read with Section 34 IPC.
2. This is the third bail application on behalf of the applicant. His first application was rejected by this Court on merits. After rejection of first bail application, the applicant moved second bail application which was also rejected on 12.12.2018 though with liberty to revive after three months.
3. Learned counsel for the applicant presses the application for grant of bail mainly on the ground of delay in trial. It is submitted that the applicant is in jail since 5.9.2017 and till date, there is no satisfactory progress in trial and the trial is not likely to be concluded early as, out of 66 witnesses, by now, only 35 witnesses have been examined. Further submission is that there is no case that the applicant is trying to protract the trial, delaying the same and trying to take undue advantage. Therefore, at this stage, he may be

granted bail with appropriate terms and conditions.

4. On the other hand, learned counsel for the State opposed the bail application. He submits that there are allegations against the applicant and other co-accused which are very serious in nature and while applicant remained posted as Office Assistant, using ID of Branch Manager, money from account of account holders were illegally transferred, thereby causing huge loss of lakhs of rupees to the account holders. He submits that though there is no allegation that the applicant is protracting trial but in the event of grant of bail, applicant may tamper with prosecution witnesses or flee away from justice.
5. I have heard learned counsel for the parties and perused the records of the case.
6. Though, this Court, earlier rejected bail application taking into consideration the gravity of allegations observing that at that stage, bail could not be granted, now, the situation has changed. The second application was also rejected vide order dated 12/12/2018 passed in MCrC No.6698/2018 granting liberty to revive the application by stating progress of the trial. Even after lapse of more than two years of applicant remaining in jail, trial could not be concluded. Further, taking into consideration that out of 66, only 35 witnesses have been examined by now, trial is not likely to be concluded early.

Therefore, taking into consideration the overall circumstances, now, at this stage, taking into consideration long detention of more than two years and that there is no allegation that the applicant is delaying the trial nor is there any material that in the event of grant of bail, the applicant is likely to tamper with the prosecution witnesses or flee away from justice, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on

each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen