

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3362 Of 2020**

Madan Mahto @ Vijay Kumar S/o Shri Shivnarayan Mahto Aged About 53 Years R/o Bulijar Bag Alamganj, Thana- Alamganj, District- Patna, Bihar., District : Patna, Bihar.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Ambikapur, District- Sarguja, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3371 of 2020**

Ashok Rawat S/o Gopal Ram Aged About 45 Years R/o Atal Awas, Mohalla Babupara, Police Station Ambikapur Kotwali, Tahsil Ambikapur, District Sarguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Ambikapur, District Sarguja, Chhattisgarh.

---- Respondent

For the Applicants : Shri Nishikant Sinha, Advocate.
For the Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.06.2020**

Heard.

1. Both these applications are decided by this common order as they arise from the same incident. In M.Cr.C. No. 3362 of 2020, applicant - Madan Mahto @ Vijay Kumar has filed his fourth bail application for grant of bail. The first bail application of this applicant was dismissed as withdrawn on 14.12.2017 in M.Cr.C. No. 7291 of 2017, the second bail application of this applicant was dismissed on merits on 4.5.2018 in M.Cr.C. No. 1139 of 2018 and the third bail application of this applicant was dismissed as withdrawn on 20.8.2019

in M.Cr.C. No. 4835 of 2019. In M.Cr.C. No. 3371 of 2020, applicant – Ashok Rawat has filed his second bail application for grant of bail. The first bail application of this applicant was dismissed on merits on 20.3.2018 in M.Cr.C. No.580 of 2018. The applicants in both the cases have been arrested in connection with Crime No.840 of 2016, registered at Police Station Kotwali, Ambikapur, District – Sarguja, Chhattisgarh for the offence punishable under Sections 457, 380 and 411, 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants in both the cases are in jail since 23.12.2016 and they have been falsely implicated in this case. It is submitted by counsel for the applicants that prayer of the applicants is not based on merits of the case, it is based only on the ground of parity. One of the co-accused, namely, Shashiranjana Azad @ Arun Sharma has been granted bail by this Court on the ground of delay in conclusion of trial. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the case of these applicants may be different from the case of the accused persons who have been granted bail and that cannot be clarified without calling of the case-diary. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. In reply, it is submitted by counsel for the applicants that the applicants are not praying on merits, therefore, the applications can be decided at this stage.

5. Heard counsel for both the parties and perused the case diary.
6. The applicants in both the cases have been arrested on 23.12.2016 and since then they are in jail. The case against them is triable by the Judicial Magistrate First Class and there is no need to consider on merits at this stage. Looking to the delay that has occurred in the conclusion of trial and looking to the fact that the co-accused has been granted bail by this Court on the ground of delay, therefore, there is no reason present to deny prayer for bail made by these applicants. Hence, under these circumstances, these applications deserve to be allowed.
7. Accordingly, the fourth and second bail applications filed under Section 439 of the Cr.P.C. by the applicants in both the cases are allowed.
8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial 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 granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge