

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4077 of 2020

- Dausingh Rathiya S/o Santram Rathiya, Aged About 50 Years, Resident of Village Devbahal, Police Station Chakradharnagar, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chakradharnagar, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-04-2019 in connection with Crime No.53/2019 registered at Police Station - Chakradharnagar, District Raigarh, Chhattisgarh for the offence under Section 205, 420 of the IPC.

2. It is submitted on behalf of the applicant that this is second application for grant of regular bail, the earlier application for grant of regular bail filed by the applicant, MCRC No.3547/2019 was dismissed as withdrawn on 09-07-2019. It is submitted that the applicant has been falsely implicated in this case. He is in jail since 16-04-2019 and the trial against him is not making any progress. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is alleged to have cheated criminal court itself, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per the case of prosecution, it is alleged that this applicant made use of coloured photocopy of Rin Pustika to furnish bail for accused in criminal case because of which the offence has been registered against him.
6. Considered on the submissions and the facts of the case and finding that the applicant is in jail since about 1 ½ years and the trial against him is not making any progress, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge