

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3939 of 2020

- Yogendra Kumar Barik, S/o Shri Lalit Kumar Barik, Aged About 34 Years, R/o House No. A/15, Capital City, Phase-I, Saddu, Police Station Vidhan Sabha, District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Civil Lines, Raipur , District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Devershi Thakur, Advocate.
For Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2020

1. This is 3rd bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who is in custody in connection with Crime No.246/2018 registered at Police Station–Civil Lines, Raipur, District–Raipur (C.G.) for the offence punishable under Sections 420/34 & 120 of the Indian Penal Code.
2. First bail application bearing MCRC No.5463 of 2018 of the applicant was dismissed vide order dated 30.8.2018, whereas second bail application bearing MCRC No.3008/2019 was dismissed vide order dated 17.6.2019
3. It is submitted by the learned counsel for the applicant that now the circumstances have changed. Firstly, the main accused of this case namely Jagannath Das has been granted regular bail by the Supreme Court vide order dated 13.1.2020 passed in Special Leave to Appeal

(Cr.) No.(s)-10444/2019. Secondly, co-accused Ashok Kumar Jena has been granted bail this Court itself vide order dated 9.3.2020 passed in MCRC No.1490/2020.

4. It is submitted that the case of this applicant is better because he was simply an employee of the said company of which co-accused persons, who have been granted bail, are the Directors. Further, the applicant is in jail for the last more than 2 years & 7 months. The case is triable by Judicial Magistrate First Class. Hence, it is prayed that the applicant be granted regular bail.
5. Learned State counsel opposes the application and submissions made in this respect. It is submitted that first bail application of this applicant was dismissed on merits. Second bail application filed by this applicant was again dismissed by making specific observations regarding the role played by this applicant. Case of this applicant is different from other co-accused persons, who have been released on bail. Therefore, he is not entitled for grant of bail.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. Considered on the submissions. The grant of bail to main accused namely-Jagannath Das by Supreme Court and co-accused Ashok Kumar Jena by this Court is a circumstance in favor of this applicant, which is a subsequent development after the dismissal of his previous applications. Further, the period of detention of this applicant is also needed to be considered. Hence, I am of this view that the circumstances have changed, therefore, this applicant becomes entitle for grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C.

is allowed. It is directed that applicant shall be released on regular 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha