

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3757 of 2020

Vishal Agrawal, S/o Ashok Agrawal, Aged About 35 Years, R/o Ward No. 16, Mangal Bhawan Complex, Ashutosh Textiles, Main Road, Rourkela, Police Station Udit Nagar, District- Sundergarh, Odisha. [Current Address - House No. 98, Krishna Nagar Colony, Tilda, Police Station Newra, District- Raipur (C.G.)]

--- Applicant

Versus

State of Chhattisgarh, through S.H.O. Police Station- Newra, District – Raipur (C.G.)

--- Respondent

For Applicant	:	Mr. Maneesh Sharma, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13/08/2020

1. This is the fourth bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 236/2017, registered at Police Station- Newra, District- Raipur (C.G.) for the offence punishable under Section 498-A, 304-B read with Section 34 of IPC and Section 4 of the Dowry Prohibition Act.
2. The first bail application MCRC No. 2479/2018 was dismissed on merits on 16.05.2018. The second bail application MCRC No.

4899/2018 was allowed on 09.08.2018 granting temporary bail of three months. The third bail application MCRC No. 2641/2019 was also allowed on 13.05.2019 granting temporary bail of three months.

3. Learned counsel for the applicant make submission for the present bail application, that the applicant, who was released twice on temporary bail, has not misused the liberty and surrendered, as ordered. The trial against this applicant and the other co-accused persons has concluded and the case was fixed for final arguments on 21.01.2020. In the meanwhile, the complainant has filed a Criminal Revision No. 386/2020 before this Court, in which, by order dated 12.03.2020, the trial has been stayed. Criminal Revision No. 421/2020 has also been filed by the applicant and others and one Criminal Revision No. 422/2020 has been filed by the State of Chhattisgarh, because of which, the trial is though concluded, but, passing of the judgment has been stayed.
4. Learned counsel for the applicant further submits that the applicant was earlier granted temporary bail on medical grounds and the same medical condition is existing and continuing. Looking to the uncertainty regarding completion of the trial because of the orders passed by this Court and also the medical conditions of the applicant, it is prayed that this applicant be enlarged on regular bail.
5. On the other hand, learned counsel for the State opposes the

bail application submitting that this Court has rejected the application for grant of regular bail on merits. The medical condition regarding which, the complainant is making complaint, is being treated in jail, therefore, there is no reason present for entertainment of this fourth bail application.

6. Heard counsel for both the parties and perused the records.
7. Considered on the submissions and the facts present in this case. By order dated 22.06.2020, this Court has directed to call report on medical condition of the applicant from Jail. In response to which, a report has been received from Central Jail, Raipur, in which, details of the treatment that has been provided to the applicant, are mentioned along with medical prescriptions and investigation reports, which shows that the medical condition of the applicant is continuing and he is in continuous need of the treatment. Further, considering that the proceeding of the trial court has been challenged by the complainant side, accused side as well as by the prosecution side by filing separate criminal revisions before this Court, because of which, the trial has come to stand still at present. Therefore, looking to these circumstances and also that the applicant has not misused the liberty that was earlier granted to him, I am of the view that it would be proper to release the applicant on regular bail during pendency of trial against him, hence, I feel inclined to grant bail to the applicant in this case.
8. Accordingly, the bail application filed under Section 439 of the

Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun