

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4869 of 2020

- Santosh Kumar Gupta S/o Basudeo Gupta, Aged About 46 Years, Occupation Laborer R/o Village Bakipur, Fatua Police Station Fatua (Patna) District Patna Bihar., District : Patna, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Nishi Kant Sinha, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23-12-2016 in connection with Crime No.840/2016 registered at P.S. Kotwali, Ambikapur, District Sarguja Chhattisgarh for the offence under Section 457, 380, 411, 34 of the IPC. (in copy of the order dated 20-03-2018 whereby the second bail application of this applicant, MCRC No.355/2018, was dismissed on merits, date of arrest of this applicant is mentioned as 09-02-2017, which is filed along with this application).

2. It is submitted by learned counsel for the applicant that this third application filed by the applicant before this Court for grant of regular bail, his first bail application, MCRC No.7667/2017 was dismissed as withdrawn on 14-12-2017 and his second bail application MCRC No.355/2018 was dismissed on merits on 20-03-2018. It is submitted that in this application the applicant is not praying for bail on merits, the only ground raised is delay in trial. The applicant has undergone about three and half years in jail and the trial against him is still pending. Another ground for bail is this, that co-accused persons, namely,

Madan Mahto @ Vijay Kumar, Ashok Rawat and Shashiranjana Azad @ Arun Sharma who are similarly placed co-accused persons, have been granted bail by this Court on the ground of delay in trial, therefore, it is prayed that on this ground this applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on merits the applicant has not been found entitled for grant of bail. The case of the applicant is different from the other co-accused persons who have been granted bail. Further, the applicant is resident of Bihar State, therefore, if he is enlarged on bail, he may not be available for trial. Hence, the application may be rejected.

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

5. Considered on the submissions. There is no need to revisit merits of the case, but the facts that are present are these, that the trial is pending for more than three years and at present because of the pandemic situation normal functioning of the Courts are also under suspension, hence, there is no possibility of conclusion of trial in near future. The second ground of consideration which is raised in favour of the applicant is this, that the co-accused persons have been granted bail on the ground of delay in trial. Therefore, under these circumstances I feel inclined to allow this application.

6. 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge