

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6559 of 2020**

- Swet Choudhari Alias Teny, S/o. Late Chandrika Choudhari, Aged about 30 years, R/o Nurdinpur, P.S. Siwan, Distt. Siwan - (Bihar)

---- Applicant**Versus**

- State Of Chhattisgarh Through Outpost CSEB Korba, P.S.- Kotwali, Korba Distt. - Korba (CG)

---- Respondent

For Applicant	:	Shri Shailendra Dubey, Advocate
For State	:	Shri Sameer Uraon, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06/11/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.567/16 registered at Police Station – Outpost CSEB, Distt. - Korba (C.G.) for alleged commission of offences under Section 342, 397/34, 398, 201 IPC and 25 (1a), 27 (2) Arms Act, 1959.
2. Prosecution case is that the applicant and other co-accused looted a bank and a cash of Rs.37 lakhs is alleged to have been looted.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he was not involved in dacoity. He further submits that the identification of the applicant is also not in accordance with law. It is next submitted that though the trial continued before the start of pandemic situation, during trial, the applicant has not been produced. It is next submitted that the trial has not been concluded and in this manner, the applicant has remained in jail for almost four years without conclusion of trial. Therefore, on the ground of delay, the applicant may be granted bail with appropriate conditions.
4. On the other hand, learned State counsel would argue that *prima facie* involvement of the applicant is based on identification of the applicant. He submits that even during

trial, the witnesses have identified the applicant through his photos. He further submits that looking to the gravity of allegations of dacoity and that the applicant is involved in other bank dacoities, if bail is granted to the applicant only on the ground of delay, he may misuse his liberty. Therefore, the application may be rejected.

5. In this case, the applicant has been arrested on the allegation of being involved in dacoity in a bank and cash of Rs.37 lakhs have been looted from the bank. The offence of dacoity is definitely a grave one. However, it also cannot be lost sight of that the applicant is in jail since last four years without conclusion of trial. Delay in trial can partly be attributable due to pandemic situation as no cases could be heard since March, 2020. Be that as it may, delay in trial cannot be said to be attributable to the applicant. This Court also finds that there are other cases pending against the applicant in which, he is alleged to have involved in dacoity. When the trial is pending since last almost four years, a person cannot be put behind the bars for such a long period. It is not a case of murder or rape. Presence of the applicant can be secured by imposing appropriate and onerous conditions so that trial may not affect.

6. Taking into consideration the totality of circumstances, particularly considering that the trial remained pending since last almost four years and the trial has not been concluded, it would be in the interest of justice to grant bail to the applicant at this stage, however, with appropriate conditions.

7. Accordingly, the application is allowed with following conditions -

- i) The applicant shall furnish personal bond of Rs.1 lakh.
- ii) The applicant shall furnish two local sureties, each of Rs.1 lakh to the satisfaction of the Trial Court.
- iii) The applicant shall report to the Trial Court once in every month as may be directed by the Trial Court.
- iv) The applicant shall not leave the State of Chhattisgarh without prior permission of the Court.

If any of the conditions is found violated, the State would be at liberty to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge