

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5954 of 2019**

- Ashwini Kumar Kurre S/o Late Preetram Kurre Aged About 60 Years R/o Nawapara, Ambikapur, Police Station Gandhinagar, Tahsil Ambikapur, District Surguja, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Police Station Batauli, District Surguja, Chhattisgarh

---- Respondent

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| For Applicant | : | Shri Manoj Paranjpe, Advocate       |
| For State     | : | Shri Pawan Kesharwani, Panel Lawyer |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****12/02/2020**

This is 3<sup>rd</sup> application for grant of bail. First bail application was rejected by this Court on merits. After rejection of first bail application, the applicant moved second application which was rejected by this Court on 03/08/2018 with liberty to revive, in case, trial is not concluded within a reasonable time. Now, after one year, the third bail application has been filed.

2. Learned counsel for the applicant presses the application for grant of bail mainly on the ground of delay in trial. It is submitted that the applicant is in jail since 01/12/2017 and till date, there is no progress in trial and not likely to be concluded early as, out of 66 witnesses, only 24 witnesses have been examined by now. Further submission is that there is no case that the applicant is trying to protract the trial, delaying the same and trying to take advantage of the same. Therefore, at this stage, he may be granted bail with appropriate terms and conditions.

3. Learned State counsel, however, opposes bail application and submits that there are allegations against the applicant and other co-accused which are very serious in nature that while the applicant remained posted as Branch Manager, using

his I.D., money from the account of account holders were illegally transferred, thereby causing huge loss of lakhs of rupees to the account holders. He submits that though there is no allegation that the applicant is protracting trial but in the event of grant of bail, the applicant may tamper with the prosecution witnesses or flee away from justice.

4. I have heard learned counsel for the parties.

5. Though, this Court, earlier rejected bail application taking into consideration the gravity of allegations observing that at that stage, bail could not be granted, now, the situation has changed. The second application was also rejected vide order dated 03/08/2018 passed in MCrC No.5281/2018 granting liberty to revive the application, if trial is not concluded within a reasonable time. Even after lapse of more than two years of applicant remaining in jail, trial could not be concluded. Further taking into consideration that out of 66, only 24 witnesses have been examined by now, trial is not likely to be concluded early.

Therefore, taking into consideration the over all circumstances, now, at this stage, taking into consideration long detention of more than two years and that there is no allegation that the applicant is delaying the trial nor is there any material that in the event of grant of bail, the applicant is likely to tamper with the prosecution witnesses or flee away from justice, I am inclined to grant bail to the applicant.

6. Accordingly, the bail application is 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/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

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