

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7642 of 2019

Shashiranjana Azad @ Arun Sharma, S/o. Shri Kameshwar Sharma, aged about 33 years, R/o. Birla Colony, Police Station Phulwarisharif, District Patna, Bihar.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Sadar, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Syed Majid Ali, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/03/2020

1. This is the fifth 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.840/2016, registered at Police Station – Sadar, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 457, 380 & 411/34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 14.12.2017 in M.Cr.C. No.7403 of 2017. The second bail application was decided on merits and the application was rejected. The third bail application was again dismissed as withdrawn vide order dated 14.01.2019. Subsequent to that fourth bail application M.Cr.C. No.5475 of 2019 was filed, which was dismissed for want of prosecution.

2. It is submitted that only circumstances on which the applicant is praying for grant of bail is this that he is in jail since 23.12.2016 and has undergone more than three years and the trial against him is still not completed and the case is triable by J.MF.C. and still there are 18 more witnesses to be examined, therefore, looking to the delay in trial and the length of detention of the applicant, it is prayed that this applicant may be released on regular bail.
3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted the applicant is resident of Bihar, therefore, in case he is granted bail, he may not be available for trial, which will hamper the progress of the trial. The allegation is though regarding commission of offence of theft committed in this case is of very high scale as bank lockers were broke open by the applicant and others, which may be established in the trial, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The application has already been decided on merits in M.Cr.C. No.1092 of 2018 by order dated 04.05.2018. Subsequent to which about one and half years have passed and the trial against the applicant has still not been concluded even though there are direction for giving preference to the trial of the under trial prisoners, therefore, only for the reason that there is delay in trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties 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

Balram