

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4020 of 2021

- Raghuvir Singh Rathore S/o Ganga Singh Rathore Aged About 45 Years R/o Village Gawdi, Tahsil And Post Ujjain, District Ujjain Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, The Police Station Ganj, Tahsil And District Raipur Chhattisgarh.

---- Non-Applicant

For Applicant	: Mr. N. Naha Roy, Advocate
For State/Non-Applicant	: Mr. Sameer Oraon, Government Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13.07.2021

1. Heard.
2. This is third 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. 23 of 2016, registered at Police Station – Ganj, District – Raipur (C.G.), for the offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860.
3. The first bail application bearing MCRC No. 4423 of 2017 was dismissed on merits on 08.03.2018 and the second bail application bearing MCRC No.4165 of 2019 was again dismissed on 13.08.2019.

4. It is submitted by the learned counsel for the Applicant that the Applicant is continuously in the jail from the date of his arrest *i.e.* 11.01.2017 and thus he has completed about more than 4 years in detention. Trial against him has not made any progress so far and there is no possibility of the same to be completed in near future. One of the co-accused namely Rajendra Singh Sisodiya has been granted bail by this Court in MCRC No.5667 of 2020 vide order dated 28.01.2021 on the ground of delay in trial. This Applicant is also similarly placed, hence, it is prayed that he may also be granted bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that already the Applicant has not been found entitled for grant of bail on merits. Apart from this there are numerous cases registered against the Applicant and he is resident of Madhya Pradesh. Hence, his application for bail should be rejected.
6. In reply, counsel for the Applicant submits that although there are other cases registered against the Applicant, but the Applicant is on bail in other pending cases, therefore, his prayer may be allowed.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. Considered on the submissions. On merit the Applicant has not been found entitled for grant of bail, however, at present, a new ground is raised that the trial against him is getting delayed. The delay that has occurred is of about more than four years, which cannot be ignored.

The reason that the Applicant is an under trial prisoner, his trial should have been taken up on priority, but it appears that the same has not been done. Apart from that the co-accused who has been granted bail is similarly placed, hence, on the ground of parity and on the ground of delay in trial, I am inclined to allow this application.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. 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.
11. On request made by the State counsel this condition is imposed upon the Applicant that he should not alienate the property of the Company of which he is Director, situated in the State of Chhattisgarh. In case if there is any such bonafide requirement and necessity, then the Applicant can seek permission of the Court for the same.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge