

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4515 of 2021

- Chitrakant Baghel (wrongly mentioned as Chetrakant), S/o Shri Gurudev Kumar Baghel, Aged About 35 Years, R/o House No. 51 Arjun Valley, Saddu, Raipur, Tahsil and District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through The Police Station Pandri, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Somnath Verma, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is sixth bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-05-2018 in connection with Crime No.198/2018 registered at P.S. - Pandri, District Raipur, Chhattisgarh for the offence under Section 420, 409, 467, 468, 471 r/w 34 of the IPC.

2. It is submitted on behalf of the applicant, that this is sixth bail application filed by the applicant before this Court. His first bail application, MCRC No.4718/2018 was dismissed as withdrawn on 24-07-2018. His second bail application, MCRC No. 6580/2018 was rejected on merits on 10-10-2018. The third bail application filed by the applicant, MCRC No.898/2019 was again dismissed on merits on 05-04-2019 and fourth bail application of the applicant MCRC No.1629/2020 was also dismissed as withdrawn. Lastly, fifth bail application of this applicant MCRC No.659/2021 has been dismissed as withdrawn on 01-02-2021 and liberty was granted to the applicant to move repeat application after examination of material witnesses.

It is submitted by learned counsel for the applicant that the applicant is

in jail since the date of his arrest, i.e., 18-05-2018 and therefore, he has completed more than three years in jail. Charge sheet has been filed on 16-08-2018 and the charge against him was framed on 30-01-2019. Total number of witnesses are 29, out of which so far only one witness has been examined in the trial. Therefore, it is failure of the prosecution to produce the witnesses in trial and the applicant is languishing in jail without any fault on his part. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that earlier application of this applicant has been dismissed on merits. Further, it is a case of huge fraud. Therefore, the applicant is not entitled for grant of bail on any ground.

4. Considered on the submissions. There is no need to go into merits of the case. The only point for consideration is this, that the applicant is in jail since about more than three years and the trial against him is almost standstill. Perused the certified copy of the order sheets of the proceedings in the criminal case, which shows the circumstances of the pendency of the case against this applicant without any progress so far. Despite the reason that it is a case of under trial prisoner, the learned trial Court has not made any specific effort to take up this case on urgent basis and in expeditious manner. Hence, for the reason of the delay in trial only I feel inclined to allow this application.

5. 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.1,00,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

6. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge