

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5667 of 2020**

Rajendra Singh Sisodiya S/o Shri Ram Singh Sisodiya Aged About 43 Years
R/o Jamoniya Sonkar, Post- Jamoniya Sonkar, Tahsil- Aalod, PS- Barkheda
Kala, Dist.- Ratlam (Mp), District : Ratlam, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, The Police Station
Ganj, Tahsil and District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri N. Naha Roy, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.01.2021**

Heard.

1. This is the Fifth bail application of the applicant. The first bail application of the applicant was dismissed on merits on 1.12.2018 in M.Cr.C. No. 8448 of 2018, the second bail application was again dismissed on 13.8.2019 in M.Cr.C. No. 2852 of 2019, the third bail application was dismissed vide order dated 2.1.2020 in M.Cr.C. No. 8417 of 2019 and the fourth bail application was dismissed for non-prosecution on 26.6.2020 in M.Cr.C. No. 3066 of 2020. The applicant has been arrested in connection with Crime No.23 of 2016, registered at Police Station – Ganj, District – Raipur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 11.1.2017 and has been falsely implicated in this case. The applicant was not one of the Directors of Arogya Dhanwarsha Developer and Company. The co-accused person in this case, namely, Dharmendra Singh Songara has been granted bail by the Co-ordinate Bench of this Court and the applicant is similarly placed. This applicant has also been granted bail by the Co-ordinate Bench of this Court in another case registered against him as Crime No. 122 of 2017 vide order dated 25.6.2020 in M.Cr.C. No.569 of 2020. Hence, on the ground of parity and on the ground of delay in trial, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the earlier bail application of this applicant has been rejected on merits more than once. The ground taken by the applicant that he was not one of the Director of the Company has already been considered in the previous order. Hence, for these reasons, this applicant now cannot claim the relief on the ground of parity. It is a case of huge fraud, therefore, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. There is no need to consider the prayer in this application on merits. Therefore, the only consideration will be on the change in circumstance that have taken place. Firstly, the ground is that the applicant has undergone about four years in jail since the date of his arrest i.e. on 11.1.2017 and the

trial has not been completed till date. Secondly, one of the co-accused, namely, Dharmendra Singh Songara who also happens to be one of the Directors of the Company has been granted bail by the Co-ordinate Bench of this Court. Hence, the delay in trial and the grant of bail to the co-accused can be regarded as change in circumstances, therefore, I feel inclined to grant regular bail to the applicant.

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.50,000/- each with two sureties in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge