

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5267 of 2021

Rajesh Kumar Rathore (Advocate), S/o Late Shri Bhagwat Prasad Rathore, Aged About 41 Years, R/o Tower Mohalla, P.S -Pali, District Korba Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Pali, District Korba, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate.
For State	: Mr. Uddhav Sharma, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

26/10/2021

Heard.

1. First bail application of applicant was dismissed on merits vide order dated 12.04.21 by Co-ordinate Bench of this Court. Said order was put to challenge before Supreme Court which was disposed of vide order dated 11.06.21 wherein Hon'ble Supreme Court has granted liberty to applicant to renew his request for grant of bail before Trial Court after framing of charges. In pursuance of said order, applicant filed an application before Trial Court which came to be dismissed vide order dated 12.07.21.
2. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.249/2020, registered at Police Station -Pali, Distt Korba, (C.G.), for commission of offence punishable under Sections 120(b), 193, 419, 420, 468 of the Indian Penal Code.
3. Learned counsel for applicant submits that there are total 7 enlisted witnesses out of which only 3 have been examined by Trial Court and 4 are still to be examined. He is not pressing this bail application on merits but only on the ground of delay in trial and period of pre-trial detention of applicant since 26.10.20. Hence, applicant may be enlarged on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that looking to the nature of allegation levelled against applicant. He is not entitled for grant of regular bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, order passed by hon'ble Supreme Court on 11.06.21, the fact that still 4 witnesses are remaining to be examined by Trial Court as stated by learned counsel for applicant, offences are triable by Magistrate, period of pre-trial detention of applicant since 26.10.2020, without commenting anything on merits of the case, I am inclined to allow this bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant 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.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-