

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 5891 of 2021

Akash Soni, S/o Shri Vinod Soni, Aged About 20 Years R/o Village Bojha, Police Station Prattappur District - Surajpur, Presently R/o In House Of Maternal Uncle Bouripara Ambikapur District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Ambikapur District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri V.K. Pandey, Advocate.
For Non-applicant	:	Shri Kapli Maini, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

27/10/2021

1. Applicant has filed this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No. 512/2018 registered at Police Station- Ambikapur, District- Surguja (C.G.) for the offence punishable under Sections 398/34, 395, 323 IPC and Sections 25 (1-B) & 27 of Arms Act.
2. This is the third application for grant of bail filed by the applicant. First application for grant of bail was dismissed on merits on 19.3.2019 and second bail application also came to be dismissed on merits on 9.7.2020.
3. As per case of prosecution, on 7.10.2018 at about 11:50 pm, complainant- Vikram Pratap Singh was returning from the liquor shop to his room after collecting Rs.4,85,180/-. On the way, three

unknown persons with covered face stopped the motorcycle of complainant and one person gave hand blow to him. On the point of pistol, threat of life was given and his bag in which cash amount was kept was snatched. They have also taken the wallet and some documents kept with him. The incident was reported to concerned police station, upon which, the aforementioned crime was registered against unknown persons. During course of investigation, applicant and other five persons were arrested.

4. Learned counsel for the applicant would submit that as his earlier two applications for grant of bail have been dismissed on merits, he is not making any submission on merits of the case but has filed this application for grant of bail only on the ground of delay in trial. He submits that the applicant was arrested on 14.10.2018, but till date, out of 15, only 5 prosecution witnesses have been examined. Out of five prosecution witnesses, Aditya Yadav (PW3) and Raju Kashyap (PW4) are seizure witnesses who have not supported the case of prosecution. The applicant has completed almost 3 years of his pre-trial detention and there is no criminal antecedents reported against the applicant. Hence he may be enlarged on regular bail.
5. Learned counsel for the State, opposing the submissions made by learned counsel for the applicant, would submit that looking to nature and manner in which crime is committed, the applicant is not entitled to benefit of grant of bail. However, he does not dispute the submission made by learned counsel for the applicant that the applicant is not having any other criminal antecedents against him after going through the case diary.

6. I have heard learned counsel for the parties.
7. Taking into consideration the submissions made by learned counsel for the applicant as well as the fact that applicant was arrested on 14.10.2018 and till 14.9.2021, only five witnesses out of 15 have been examined and next date for recording of evidence of remaining witnesses have been fixed by the trial Court on 9.11.2021 and further that there is no criminal antecedents against applicant as stated by learned State counsel, without commenting on merits of the case, I am inclined to enlarge the applicant on bail
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one local 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) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant 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