

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7028 of 2021**

1. Visham Patel And Another S/o Late Buturam Patel Aged About 52 Years R/o Village Narayanpur, Police Station Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh.
2. Prasun Patel S/o Visham Patel Aged About 30 Years R/o Village Narayanpur, Police Station Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Bhanupratappur, District Uttar Baster Kanker, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Parag Kotecha, Advocate
For State	:	Shri Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****30/09/2021**

Heard.

This is repeat application for grant of bail. Earlier application was rejected by this Court on 12/02/2021.

1. The allegation against the applicants is that while applicant – Visham Patel was posted as Secretary, financial irregularities to the tune of Rs.26,19,251/- was taken place and there are allegations of misappropriation.
2. This Court had earlier rejected bail application vide order dated 12/02/2021 taking into consideration the amount involved and the nature of allegations. However, even after lapse of 7 months, the trial has not been concluded so far.
3. Learned counsel for the applicants would submit that as against 40 witnesses, hardly half of the witnesses have been examined and the trial is only half way through and not likely to conclude in near future. Therefore, it is prayed that the applicants may

be granted bail and their presence may be secured by imposing appropriate conditions so that the trial may not be hampered. It is submitted that the applicants are not of such a status and influence that they would either abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel submits that earlier bail application was rejected on merits taking into consideration that more than Rs.26 lakhs was alleged to be misappropriated. It is submitted that in the event, the applicants are released, they may flee away from justice or tamper with the prosecution witnesses which may hamper the smooth progress of trial.

5. We have heard learned counsel for the parties.

6. True it is, this Court had earlier rejected the bail application on 12/02/2021 but it cannot be lost sight of that more than half of witnesses yet remained to be examined. However, considering that trial is not likely to conclude early, furthermore though learned State counsel raises an apprehension, no material has been placed before the Court that the applicants are likely to abscond or tamper with the prosecution witnesses, at this stage, I am inclined to grant bail to the applicants only on the ground of delay in trial.

7. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge