

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 529 of 2021**

1. Shankardas S/o Bipatdas Aged About 28 Years R/o Sakin - Para, P.S. Paraiya, Distt. Gaya (Bihar)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - The Outpost Of CSEB, Station House Officer, P.S.- Kotwali, Distt.- Korba (Chhattisgarh), District : Korba, Chhattisgarh

----Respondent

For Applicant	:	Mr. Shailendra Dubey, Advocate
For State	:	Mr. Aman Kesharwani, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/12/2021**

1. Present is a repeat bail application filed under Section 439 of CrPC seeking for grant of bail to the applicant who was arrested on 03.03.2017 in connection with Crime No. 467/2016 registered at, Police Station Kotwali District Korba, for the offence punishable under Sections 395, 397, 342, & 201 of the IPC along with Sections 25, 27 Arms Act.
2. The present repeat bail application has been moved on the ground that the petitioner has already suffered incarceration of more than four years and nine months. As of now only half of the witnesses have been examined, out of the total 41 cited. Given the present situation there is no possibility of an early conclusion of trial, therefore the applicant may be released on bail only on the ground of delay in conclusion of trial.
3. Counsel for the applicant produces an order of the Coordinate Bench of this Court in MCRC No. 6559 of 2020 wherein one of the main

accused in the said offence has already been enlarged on bail as early as on 06.11.2020 considering the pandemic situation that was prevalent. According to the Counsel for the applicant, the case of the applicant is squarely covered by the said bail application.

4. The State counsel on the other hand opposing the bail application submits that this Court has already on merits rejected the bail application on two occasions considering the gravity of the offence and identification of the applicant by the Manager of the Bank.
5. Be that as it may, considering the entire facts and circumstances of the case, more particularly the fact that the main co-accused having been already enlarged on bail one year back i.e. on 06.11.2020 in MCRC No. 6559 of 2020 and also taking into consideration the applicant has already undergone imprisonment of more than four years and nine months, prima facie a ground for grant of bail has been made out on the ground of delay of trial.
6. Accordingly, the application is allowed with following conditions:-
 - (i) The applicant shall furnish personal bond of Rs. 50,000/-.
 - (ii) The applicant shall furnish two local sureties, each of Rs. 50,000/- to the satisfaction of the Trial Court.
 - (iii) The applicant shall report to the Trial Court once in every month as may be directed by the Trial Court.
 - (iv) The applicant shall not leave the State of Chhattisgarh without prior permission of the Court.

If any of the conditions is found violated, the State would be at liberty to apply for cancellation of bail.

Sd/-
(P. Sam Koshy)
Judge