

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1313 of 2016**

Sarwan Kumar @ Pramod Sahu, S/o. Sukhi Ram Sahu, Aged About 30 Years, R/o. G.T. Road, Aajuha Bazar, Kaushambi, Police Station Saini, Civil & Revenue District Kaushambi, Allahabad (U.P.).

---- Applicant

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Chilhati, District Rajnandgaon, Chhattisgarh.

---- Respondent

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For Applicant : Mr. C.P.Lahrey, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**29.02.2016**

1. This is the fourth bail application. The first bail application was rejected on 06.05.2014 on merit and the second bail application was dismissed on merit on 15.09.2014 and thereafter the third bail application was dismissed on 05.03.2015.
2. The applicant has preferred this application for grant of regular bail as he has been arrested in connection with Crime No.02/2014 registered at Police Station– Chilhati, District Rajnandgaon (C.G.) for the offence punishable under Section 395, 379, 411, 412 & 201 of Indian Penal Code.
3. Learned counsel for the applicant submits that there is no progress in the trial. He further submits that one of the co-accused is absconding, therefore, the progress of the trial is not taking place, as such, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that the applicant is resident of outside the State i.e. U.P. and the other co-accused who has been enlarged on bail was also resident of U.P. and he is absconding after grant of bail. He further submits that taking into circumstances and background of this applicant, he is also on the same footing with that of the other co-accused who has been enlarged on bail and fled away, therefore, he may not be enlarged on bail.
5. Considering the facts and circumstances of the case, it is for the trial Court to separate the trial and proceed the case and only on the ground that one of the co-accused has not attended and therefore the case has been adjourned, this cannot be made a ground for bail of this applicant as earlier the bail application was already dismissed on merit.
6. Accordingly, the bail application is dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge