

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 885 of 2020

Shashank Balasaheb Bhapkar S/o Shri Balasaheb Bhapkar Aged About 28 Years R/o Sukvani Garden, Sai Darbar, Link Road, Chinchvad, District- Pune, Maharashtra.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Dalli Rajhara, District- Balod, Chhattisgarh.

---- Respondent

For applicant – Shri S.S. Rajput, Advocate.
For State- Shri Avinash Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/02/2020

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 10/01/2019.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 78/2015 registered in Police Station Dalli Rajhara, District Balod (C.G.). for offence punishable under sections 420, 34 of IPC, 1860, Section 3, 4, 5 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and 58-F of Reserve Bank of India Act, 1934.
3. Learned counsel for the applicant submits that the applicant is in jail since 27/01/2016, he has undergone custody for more than 4 years. He submits that out of 40 witnesses 3 witnesses have been examined. It is stated that likewise other co-accused Vandana Balasaheb Bhapkar have been released on bail on 20/12/2019 vide M.Cr.C. No.8037/2019, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail,

however it is not disputed that few of the witnesses have been examined out of 40 witnesses.

5. Considering the fact that the applicant is in jail since 27/01/2016, four years have passed and only three witnesses have been examined, taking into pre-trial detention of the applicant, without any observation on the merit, this court is inclined to release the applicant on bail.

6. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE