

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2095 of 2015

Smt. Jyoti @ Kirti Bhatt W/o Prashant Bhatt, aged about 28 years, R/o
Tatibandha Raipur, P.S. Raipur, Civil & Revenue Distt. Raipur (C.G)

---- Petitioner

Versus

State of Chhattisgarh through P.S. Lormi, Distt. Mungeli (C.G.)

---- Respondents

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent /State	:	Shri Garry Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03/07/2015

This is the fourth bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 22.10.2013 in connection with Crime No. 283/2013 registered at P.S. Lormi, District Mungeli for the offence punishable under Sections 302, 328, 120 (B), 34 of IPC.

Earlier bail applications of the applicant were rejected by this Court on merits vide order dated 25.06.2014 16.09.2014 and 18.11.2014.

The third bail application of the applicant was also moved on the ground of delay in trial but this Court while rejecting the same on 18.11.2014 had observed that “the Court below shall ensure that the trial is concluded at the earliest particularly when half of the witnesses have already been examined and it should make all the endeavour to see that the witnesses are present on the date the case is fixed for hearing.”

Counsel for the applicant has enclosed the entire order sheets of the trial proceedings along with the bail application and from the order sheets it reflects that the last witness was examined by the Prosecution on 09.10.2014 and since then not a single witness on behalf of the prosecution has been examined nor on a single date any witness was present before the Court below.

This Court on 18.11.2014 having categorically ordered that the

trial Court should ensure that the witnesses are present and the trial is concluded at the earliest but it appears that because of the non-cooperation on the part of the prosecution, the witnesses are not turning for evidence on account of which the applicant are unnecessarily languishing in jail since 22.10.2013 and as such the applicant has already remained in jail for the period of almost 21 months and that the trial will still take long time in its conclusion.

Taking into consideration the total facts and circumstances of the case, only on the ground of delay in trial, this Court is of the opinion that it is a fit case where the present applicant can be released on bail.

Accordingly, the application for grant of bail is allowed. It is directed that if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge