

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 4268 of 2015

K. Venkatraman S/o Shri K.S. Rao Aged about 48 years
Occupation - Teacher (Block Resource Co-Ordinator), R/o
Station Para, Tahsil - Sakti, Civil & Revenue District - Janjgir-
Champa (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Statio - Dabhra, Civil & Revenue District - Janjgir-Champa
(Chhattisgarh).

---- Respondent

For Applicant : Shri Sudeep Agrawal, Advocate
For Respondent/State: Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/08/2015

This is the third bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 09.06.2014 in connection with Crime No. 226 of 2013 registered at PS Dabhra, District Janjgir Champa for the offence punishable under Sections 409, 420, 467 & 468 of IPC.

The first bail application of the applicant was dismissed as withdrawn by this Court on 09.07.2014 in M.Cr.C. No.3235/14 with liberty to revive the same after charge sheet is filed. The second bail application was dismissed on merit vide order dated 30.03.2015 in M.Cr.C. No.768/15. However, while rejecting the second bail application, this Court had observed that the Court below would ensure the presence of the witnesses for early disposal of the trial.

Counsel for the applicant submits that the reason for filing of the third bail application is delay in conclusion of trial as out of 55 witnesses cited by the prosecution only 10 witnesses have till now been examined. He further submits that in the given facts and circumstances of the case, the trial will certainly take considerable period of time for its conclusion and therefore the applicant may be released on bail.

However, State counsel opposing the bail application submits that the second bail application of the applicant has already been rejected by this Court on merit and a perusal of the record would show that the trial Court in fact is regularly proceeding with the case. He submits that the last prosecution witness was examined on 29.06.2015 which itself shows that the witnesses are being examined on regular interval and apart from the delay in trial, there is no other ground raised by the counsel for the applicant for grant of bail.

At this juncture, counsel for the applicant submits that another co-accused has already been granted bail and therefore the present applicant is also entitled for grant of bail on the ground of parity.

State counsel, however, opposes the ground of parity on the ground that this fact has already been taken into consideration by this Court while rejecting the second bail application and therefore it cannot be a ground for bail now.

Taking into consideration the rival contentions put forth by the counsel appearing on either side and also considering the nature of offence levelled against the applicant and the fact that the prosecution witnesses are being examined on regular interval, it would not be appropriate at this juncture to release the applicant on bail.

Accordingly, the third bail application filed by the applicant stands rejected.

However, it is directed that the Court below shall ensure the examination of the prosecution witnesses at the earliest by resorting to the powers conferred upon it relating to the presence of the witnesses and further shall ensure that the trial is concluded at the earliest.

Sd/-
(P. Sam Koshy)
JUDGE