

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2993 of 2015**

Sunil Kumar S/o Kamal Kumar Aged About 39 years R/O Linepara, Tahsil
& Thana & Distt. Sukma Chhattisgarh

---- Applicant**Versus**

The State Of Chhattisgarh S/o Through District Magistrate Sukma
Chhattisgarh

---- Respondent

For Applicant. - Shri Parag Kotecha, Advocate
For Respondent/State - Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/06/2015**

Heard.

The applicant has been arrested in connection with Crime No.2/1998 registered at Police Station- Sukma, District-Sukma for alleged commission of offences under Sections 147, 148, 149, 120 and 302 of IPC and Section 25 & 27 of the Arms Act.

2. Case of the prosecution is that the applicant along with other co-accused murdered one Jai Prakash Chouhan@ Dudha.

3. Learned counsel for the applicant submits that almost 7 years have elapsed but till date, the trial has not been concluded and the applicant is in jail. He submits that the delay in trial is not attributable to the applicant but it is mainly delayed due to non-appearance of prosecution witnesses. He submits that till

date, the trial has not been concluded and even accused examination has not been undertaken. Therefore, in these circumstances, the application for grant of bail may be allowed.

4. On the other hand, learned counsel for the State opposes prayer for grant of bail and submits that the applicant is being tried for commission of offences under Section 147, 148, 149, 120 and 302 of IPC and Section 25 & 27 of the Arms Act, therefore, looking to the nature and gravity of allegation only on the ground of delay in conclusion of trial, the applicant is not entitled to grant of bail.

5. Present is one of those rare cases where the trial has remained pending for last almost 7 years. The applicant was arrested on 19.08.2008 and since then, he is in jail.

6. Learned counsel for the applicant submits that trial has not been concluded and accused examination has not been undertaken.

7. Interestingly, it is brought to the notice of this Court that by order passed in Criminal Appeal No.1644 of 1999 wherein, other co-accused of this case, who were convicted, have been granted bail by suspending their bail sentence mainly on the ground of they have already undergone 7 years of imprisonment.

8. Learned counsel for the State submits that the applicant was absconding for long and thereafter, he was arrested. In the meantime, the trial of other co-accused was completed. After the arrest of the applicant, his trial is going on. He submits that in these circumstances, the applicant may not be granted bail.

9. Taking into consideration the submission mainly on the ground of long detention of the applicant which is more than 6 ½ years, the bail application is allowed.

10. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- along with two local sureties for the like

amount to the satisfaction of the concerned trial Court. He shall appear before the Court below on the date as directed by the concerned Court, unless exempted from appearance.

Sd/-
Manindra Mohan Shrivastava

J U D G E

Rekha