

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 593 of 2015

Gulab S/o Shri Arjun Lal Yadav Aged About 36 Years R/o Village
Beltukri, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Pathariya, District Mungeli Chhattisgarh.

---- Respondent

For Petitioner – Shri Sushil Dubey, Advocate.
For Respondent/State – Shri Ramakant Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/10/2015

1. This is a petition against the order dated 8/05/2015 passed in Criminal Revision No.H 08/2015 passed by the Additional Sessions Judge, Mungeli whereby order passed by the JMFC, Mungeli in Criminal Case No.838/2014 dated 9/02/2015 was affirmed. Order pertains to rejection of bail under Section 437 (6) of Cr.P.C.
2. Learned counsel for the petitioner would submit that petitioner was arrested on 7/05/2014 and charge sheet was filed on 2/08/2014. Subsequently, charges were framed on 4/09/2014 and the case was fixed for evidence on 17/09/2014. It is therefore submitted that after fixing case for the first time for evidence on 17/09/2014 sixty days expired on 17/11/2014, therefore petitioner was entitled for bail under section 437 (6) of Cr.P.C.
3. Learned State counsel opposes the same.

4. After going through the order sheet, it shows that after the case having been fixed on 17/09/2014, on 30/09/2014 an application under section 177, 178 of the Cr.P.C. was moved by the petitioner whereby entire proceedings were installed and the said application was ultimately decided on 1/12/2014. The Court has recorded that because of such filing of the application delay has been caused, therefore benefit cannot be given under Section 437 (6) of the Cr.P.C. to the petitioner.

5. Taking into account the fact that because of the application filed by the petitioner delay has been caused in recording evidence, I do not find it proper to invoke extra ordinary jurisdiction of this court under Section 482 of Cr.P.C. to grant bail to the petitioner at this stage. It is submitted at bar by learned counsel for the petitioner that only 2-3 witnesses are remaining to be examined. Considering the fact that only 2-3 witnesses are remaining to be examined, trial court is therefore requested to expedite the trial and conclude the same within further period of three months.

6. With the above observation, Cr.M.P. stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE