

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 533 of 2016**

Thanda Ram Banjara S/o Baduram Banjare, aged 55 years, R/o
village Aarmuda, PS & Tahsil Pusaur, District Raigarh, CG

---- **Petitioner****Versus**

State of Chhattisgarh through PS Pusour, District Raigarh,
Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Vineet Kumar Pandey, Advocate
For Respondent/State	:	Smt. M. Asha, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/07/2016**

The present petition under Section 482 of CrPC has been preferred by the petitioner seeking for quashment of the order dated 26.04.2016 passed in Cr. Revision No. 54/16 and also for grant of bail under the provisions of Section 437 (6) of CrPC.

2. Counsel for the petitioner submits that the two grounds put forth by the Court below in rejecting the application under Section 437 (6) of CrPC are not proper, legal and justified. The Court below has not explained or discussed as to how the petitioner would have influenced the prosecution witnesses in case he was enlarged on bail. He submits that there was no such material before the Court below even like a complaint made by any of the witnesses that the co-accused persons who have been released on bail are trying to influence the prosecution witnesses. Except the apprehension put forth by the Court below of the appellant being able to influence the prosecution witnesses, there was no material to substantiate

the same or even to suspect such apprehension and therefore the impugned order is bad in law and deserves to be set aside. Hence, counsel for the petitioner prays for releasing the petitioner on bail invoking the provisions under Section 437 (6) of CrPC.

3. State counsel, however, opposes the petition and submits that it is a case where the charges were framed only on 13th January, 2016 and for the first time the case was fixed for evidence of the prosecution witnesses on 27.01.2016 and as such it cannot be said that there is an inordinate delay on the part of the prosecution in adducing the witnesses. Therefore, the petitioner does not deserve to be released on bail.

4. Having considered the rival contentions put forth by the counsel appearing on either side and on perusal of the nature of allegations levelled against the petitioner, this Court is of the opinion that no good and strong ground has been made out for invoking the provisions under Section 437 (6) of CrPC for releasing the petitioner on bail at this juncture.

5. However, it is directed that the prosecution shall ensure the presence of the witnesses without any lame excuses being made. The Court below, taking note of the fact that the charge sheet in the instant case was filed in December, 2014 and the petitioner is in jail since November, 2014, shall also exercise all the powers conferred upon it under the Code of Criminal Procedure for securing the presence of the prosecution witnesses without undue adjournments on lame excuses and shall further try to decide the case as expeditiously as possible.

6. With the aforesaid observation, the instant Cr.M.P. stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE