

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 441 of 2016

Sonu @ Sunil Nair S/o Santosh Nair Aged About 24 Years R/o
Kota, P.S. - Saraswati Nagar, Civil & Rev. Distt. Raipur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : P.S. - Saraswati Nagar, Civ : &
Rev : Dist : Raipur Chhattisgarh

---- Respondent

For Applicant:
For State:

Mr. Devershi Thakur, Advocate
Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.01.2016

1. This is third bail application filed under Section 439 of Cr.P.C. for grant of bail to the Applicant who is in jail since 28.07.2012 in connection with Crime No. 220/2012 registered at Police Station – Saraswati Nagar, District Raipur (C.G.) for the offence punishable under Section 148, 302, 307, 295 and 506-B of I.P.C.

2. The first bail application was rejected by this Court on 19.08.2014 in M.Cr.C. No. 4070/ 2014 on the ground that since most of the witnesses have been examined it would not be proper at that juncture

to release the Applicant on bail.

3. Likewise, the second bail application was also rejected by this Court on merit on 13.10.2014 in M.Cr.C. No. 4957/2014.

4. The present bail application has been moved by the Applicant on the ground that the co-accused Manoj Patnayak has been arrested and most of the witnesses, total 11 witnesses, have been recalled by the Court below vide order dated 03.12.2015 for cross examination and five witnesses have been given up by the prosecution. When the matter was called upon 18.12.2015, out of 11 witnesses only 1 witness appeared and was after examination discharged. For the evidence of rest of the 10 witnesses now the matter has been fixed for 18.01.2016.

5. Learned Counsel for the Applicant submits that for the reason of the examination of the previously examined witnesses before the Court below the present Applicant is being put on unnecessary harassment, he is languishing in jail since 28.07.2012, therefore he may be released.

6. Learned Counsel for the State however opposing the said application submits that since the recording of evidence of the witnesses has already commenced and that the Trial Court is giving very short adjournment for expeditious disposal of the trial, it would not be appropriate to release the Applicant on bail at this juncture as it can adversely affect the prosecution witnesses.

7. Considering the rival contentions on behalf of the parties, in the light of two previous orders passed by this Court and also taking note of

the fact that evidence of the witnesses have been initiated and Trial Court is granting very short adjournment for early disposal of the trial, this Court is of the opinion that it is not a fit case where the Applicant can be released on bail.

8. Accordingly, the present bail application is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE