

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 760 of 2015

- Bhupendra Kumar Pandey S/o Jodhan Pandey Aged About 48 Years R/o Village Matka, Police Station & Tahsil Bemetara, District Bemetara Chhattisgarh Presently Working As Block Education Officer, Block Bemetara, Civil & Revenue District Bemetara Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, Government Prosecutor, Bemetara District Bemetara Chhattisgarh.

---- Respondent

& CRMP No. 628 Of 2015

- Raj Kumar Verma S/o Late Shri Ramkhilawan Verma Aged About 35 Years R/o Village Hasda, Police Station And Tah. Berla, Civil And Rev. Distt. Bemetara, Chhattisgarh At Present Posted As Government Higher Secondary School Anandgaon, District Bemetara Chhattisgarh.

---- Petitioner

Vs

- State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

For Petitioners	:	Shri YC Sharma and Shri PP Sahu, Advocates.
For Respondent/State	:	Shri B Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

27/06/2016

1. Since both the petitions arise out of same crime, they are being disposed of by this common order.
2. Both the petitions under Section 482 Cr.PC have been filed challenging the order dated 27.06.2015 passed by the Sessions Judge, Bemetara, in Criminal Revision Nos. 16 & 17 of 2015 whereby the revisional court has rejected the

revision preferred against the order dated 03.06.2015 passed by the Chief Judicial Magistrate, Bemetara in Criminal Case No.1417/2014.

3. The two courts below have rejected the application of the petitioners filed under Section 437(6) Cr.P.C.
4. Learned counsel appearing for the petitioners submits that the petitioners are in jail since 15.10.2014 and trial is being unnecessarily delayed on behalf of the prosecution as till now only 18 witnesses out of 22 have been examined and remaining four witnesses are yet to be examined. Further, there is no likelihood of an early disposal of trial, therefore, the present petitioners may be granted advantage of provisions under Section 437(6) Cr.P.C. and be released on bail.
5. On the other hand, learned counsel appearing for the State opposes the petitions on the ground that the nature of allegation levelled against the petitioners are serious. The petitioners themselves have pleaded that 18 witnesses have already been examined out of 22 witnesses and only four witnesses remains to be examined who would also be examined very soon, and therefore, the petitioners may not be granted bail.
6. Considering the total facts and circumstances of the case, considering the reasons recorded by the Sessions Judge while considering the applications under Section 437(6) Cr.P.C. in criminal revision and also considering the fact that only four witnesses are yet to be examined, this court is not inclined to grant bail to the petitioners under Section 437(6) Cr.P.C. at this juncture. However, the trial court is directed to ensure that trial itself is concluded at the earliest preferably within a maximum period of six months from today by invoking all the provisions of Cr.P.C. for calling upon the witnesses for their evidence and to decide the matter.
7. With the aforesaid observations, both the petitions stand finally disposed of.

Sd/-
(P.Sam Koshy)
JUDGE