

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3049 of 2016

K. Venkatraman S/o Shri K. S. Rao, aged about 48 years, Occupation teacher, (Block Resource Coordinator), R/o Station Para, Tahsil-Sakti, Civil & Revenue District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station Dabhra, Civil & Revenue District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ashish Gupta, Advocate
For Respondent /State	:	Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

19/07/2016

This is the fourth bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 09.06.2014 in connection with Crime No. 226/2013 registered at P.S. Dabhra, District Janjgir-Champa for the offence punishable under Sections 409, 420, 467 & 468 of IPC.

2. The earlier three bail applications of the applicant were dismissed/rejected by this Court either as withdrawn or on merit vide order dated 09.07.2014, 30.03.2015 and 14.08.2015. However, while rejecting the second and third bail applications, this Court had observed that the Court below would ensure the presence of the prosecution witnesses for their examination and also try for early conclusion of the trial.

3. Counsel for the applicant submits that out of total 55 prosecution witnesses only 23 witnesses have till date been examined and the last witness was examined on 26.11.2015. He submits that even after a direction by this Court for early conclusion of the trial, the Court below is proceeding with the trial at a slow pace in as much as till date only 23 witnesses could be examined. He submits that a few of the witnesses who had already been examined have also been ordered to be recalled at the instance of some of the accused persons who were initially absconding which would further delay the trial. He further submits that the present applicant is in jail since 09.06.2014 and there is no likelihood of the trial being concluded at the earliest, therefore, considering all these facts, the applicant may be released on bail.

4. However, State counsel opposes the present bail application on the

ground that the bail application of the applicant has already been considered thrice on merit and apart from the delay in trial, there is no other changed circumstances or grounds raised by the counsel for the applicant in the present application also. He further submits that after rejection of the last bail application on 14.08.2015, eight prosecution witnesses have been examined which shows that the witnesses are being examined on regular interval, therefore, the applicant does not deserve to be released on bail.

5. Having considered the facts and circumstances of the case and on perusal of the record, in addition, the bail application having been rejected on three earlier occasions on merit, there is no changed strong circumstance seeking bail, hence this Court is not inclined to release the applicant on bail at this juncture.

6. Accordingly, the fourth bail application filed by the applicant stands rejected.

7. However, taking into consideration the peculiar facts of the case where prima facie it appears that the trial is being proceeded at a slow pace it is directed and expected that the Court below shall use all the powers conferred upon it under the provisions of the Code of Criminal Procedure for ensuring first the presence of the prosecution witnesses and second to avoid granting adjournments for lame excuses. If possible, the proceedings may be drawn at regular intervals that is to say that long adjournments may not be granted and in the process, the Court below shall try to decide the case itself as expeditiously as possible. This Court is knowingly not granting a fixed date for conclusion of the trial. However, it is expected that the Court below shall make all endeavour to conclude the trial at the earliest.

Sd/-
(P. Sam Koshy)
Judge