

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr. M. P. No. 5 of 2016**

Subhash Gupta S/o Late Naveen Gupta, aged about 25 years, R/o village Tapranga, PS & Tahsil Tamnar, Civil & Revenue District Raigarh, Chhattisgarh.

---- Petitioner

Versus

State of Chhattisgarh through District Magistrate/Station House Officer, Police Station- City Kotwali, District Raigarh, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Shri U. K. S. Chandel, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.05.2016**

Present is a petition filed under Section 482 Cr.P.C. seeking for releasing the petitioner on bail granting him the advantage of the provisions under Section 437 (6) of Cr.P.C.

2. The petitioner has also challenged the order dated 09.12.2015 passed by the 1st Additional Sessions Judge, Raigarh in Criminal Revision No. 113 of 2015 whereby the revision preferred by the petitioner challenging the order dated 02.11.2015 passed by the Chief Judicial Magistrate First Class, Raigarh has been rejected.

3. Counsel for the petitioner submits that the petitioner is in jail since 12.12.2013 for the offence under Sections 420 and 380 of IPC. Though the petitioner is in jail for more than 2 ½ years, the trial is progressing at a very slow pace. According to the counsel for the petitioner, out of 9

witnesses only two witnesses have till date been examined. The last witness was examined on 02.11.2015 and thereafter none of the prosecution witnesses are appearing before the Court below and therefore there would be much more delay for conclusion of the trial and the petitioner would remain in jail for no fault on his part. Hence, counsel for the petitioner prays for setting aside the impugned order and releasing the petitioner on bail granting the advantage of the provisions of Section 437 (6) Cr.P.C.

4. Counsel for the State opposes the petition on the ground that the allegation levelled against the petitioner is of serious nature and therefore he does not deserve to be released on bail under Section 437 (6) of Cr.P.C.

5. Considering the total facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is of the opinion that it is not a fit case where the petitioner could be released on bail granting the benefit of the provisions of Section 437 (6) of Cr.P.C.

6. Thus, this Court does not find any illegality or infirmity in the impugned order passed by the Court below. Accordingly, the instant Cr.M.P. being devoid of merit is rejected.

7. However, it is directed that the Court below shall take all endeavour that the prosecution witnesses are present before the Court for their evidence. The Court below shall also ensure a speedy disposal of the case.

Sd/-
P. Sam Koshy
Judge