

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 88 OF 2016

Smt. Manju Tandan, W/o Satish Tandan, aged about 28 years, occupation-
House Wife, R/o Village Lavan Kasdol, District Balodabazar (C.G.)

... Petitioner

Versus

State of Chhattisgarh, through the Collector Raigarh, District Raigarh
(C.G.)

... Respondent

For Petitioner	:	Mr. Atanu Ghosh, Advocate.
For Respondent-State	:	Mr. O.P. Sahu, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/08/2016

1. The present petition under Section 482 of CrPC has been preferred by the Petitioner seeking for invocation of provisions of Section 437(6) of CrPC for the purpose of granting bail.
2. Counsel for the Petitioner submits that the Petitioner and other accused persons have been prosecuted for the offence punishable under Section 381 and 120-B of IPC. The charges were framed as early as on 25.7.2015 and the matter was fixed for evidence for the first time on 6.8.2015.
3. According to the Counsel for the Petitioner, in all, the prosecution has cited about 11 witnesses and out of which till now only 4 witnesses have been examined and that there is no likelihood of early disposal of the trial and therefore the Petitioner may be granted the advantage of Section 437(6) of CrPC and she may released on bail.

4. Another aspect which is raised by the Counsel for the Petitioner is that she is a young lady and has two years old child along with her in jail and the child should not suffer for the fault of the parent.

5. Learned Counsel for the State however opposes the petition and submits that taking into consideration the gravity of offence and the fact that 4 out of 11 witnesses have already been examined it cannot be said that there is an inordinate delay on the part of the prosecution in concluding the trial.

6. Taking into consideration the total facts and circumstances of the case, in the opinion of this Court, ends of justice would meet if the Trial Court is directed to ensure speedy disposal of the trial at the earliest particularly taking note of the fact that the Petitioner is in jail along with her two years old child. It is expected that the Trial Court shall make all endeavours for an early disposal of the trial and also would use all the powers conferred upon it under the provisions of the Code of Criminal Procedure for keeping the presence of the witnesses.

7. With the above observations, the Criminal Misc. Petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge