

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 344 of 2016**

Lalit Kumar Sahu S/o Khilawan Sahu, aged about 34 years, resident of village Palaud, PS Mandir Hassaud, District Raipur at present Subhash Nagar Ward No.23, behind D.M.S. College, Mahasamund, District Mahasamund (CG)

---- Petitioner**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Mahasamund, District Mahasamund (CG)

---- Respondent

For Petitioner : Shri Vikash Pradhan, Advocate
 For Respondent/State: Shri Rajendra Tripathi, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/06/2016**

The present petition has been filed under Section 482 Cr.P.C. seeking for releasing the petitioner on bail granting him the advantage of the provisions of Section 437 (6) of Cr.P.C.

2. Counsel for the petitioner submits that the petitioner was arrested on 04.03.2015 in connection with offence under Sections 419, 420, 467 & 468/34 of IPC. Though the petitioner is in jail for more than 15 months, the progress of the trial is at a very slow pace. He submits that looking to the provisions under Section 437(6) Cr.P.C. the petitioner may be released on bail, as there is no likelihood of the trial being concluded at the earliest and the petitioner is languishing in jail for no fault on his part.

3. Per contra, opposing the petition State counsel submits that no good ground has been made out by the petitioner seeking for invocation of the provisions under Section 437(6) of CrPC. According to the State counsel, it is not a case where the evidence is not being recorded. Rather a perusal of the order sheet dated 21.01.2016 itself reflects that the Court below had taken note of the fact that the evidence had already started and out of 18 witnesses cited by the prosecution 6 witnesses had already been examined by January, 2016 and by now, more witnesses would have been examined. Therefore, at this juncture the petitioner does not deserve to be released on bail under Section 437 (6) of Cr.P.C.

4. Taking into consideration the gravity of the offence where the allegation against the petitioner is that he impersonating the original land owner fraudulently sold about 10-12 acres of land and the fact that in the event the petitioner is released on bail, there is all chances of the petitioner trying to influence the remaining witnesses who are yet to be examined. Hence, 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.

5. 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.

Sd/-
(P. Sam Koshy)
JUDGE