

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (PIL) No. 76 of 2016**

Mohammad Afroz Athar (Advocate) aged 29 years S/o Mohamad Akbar, R/o Gandhi Maidan, Gariyaband, PS Gariyaband, District Gariyaband Chhattisgarh.

**---- Petitioner****Versus**

State of Chhattisgarh, Through Secretary, Ministry of Home Affairs, Government of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, Chhattisgarh

**---- Respondent**


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For Petitioner : In Person.  
For Respondent/State : Shri Y.S.Thakur, Deputy Government Advocate.

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**Hon'ble Shri Deepak Gupta, Chief Justice****Hon'ble Shri P. Sam Koshy, J.****Order on Board****Per Deepak Gupta, Chief Justice****08/09/2016**

1. By means of this petition, purportedly filed in the public interest, the Petitioner has sought a prayer that guidelines be framed that whenever the State chooses to oppose any bail application, it be directed to furnish a bond to compensate the accused for every delay caused by the State if the accused is found innocent after trial.
2. The aforesaid relief cannot be granted by this Court. This Court cannot legislate or frame policies. It is true that the right to speedy trial is also one of the fundamental rights of every accused. It is also true that under trials should not be kept behind bars for a long length of time without any reason but for this, cooperation of the Bar is also required.
3. It is not only the police authorities who are to be blamed but on many occasions, lawyers themselves ask for dates and are not willing to cross-examine

the witnesses when they are present. How can we issue such direction as if only the State is to be blamed and nobody else is to be blamed. There is a shortage of Judges. We cannot grant the relief prayed for in this public interest litigation.

4. In view of the above, this petition is dismissed.

Sd/-  
(Deepak Gupta)  
**CHIEF JUSTICE**

Sd/-  
(P. Sam Koshy)  
**JUDGE**