

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 5830 of 2017**

K. Venkatraman S/o Shri K. S. Rao, Aged About 48 Years
Occupation Teacher (Block Resource Coordinator), R/o Station Para,
Tahsil Sakti, District Janjgir- Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through the Station House Officer, Police
Station Dabhra, District Janjgir- Champa, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Sunil Otwani, Advocate
For State	:	Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/10/2017**

1. This is a 7th bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 226/2013 registered at Police Station Dabhara, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 409, 420, 467 & 468 of the Indian Penal Code.
2. The earlier bail applications stood rejected by this Court on 09.07.2014, 30.03.2015, 14.08.2015, 19.07.2016, 03.11.2016 and the last one being on 17.03.2017. The applicant herein has been arrested on 10.06.2014 in connection with Crime No. 226/2013, registered at Police Station Dabhara, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 409, 420, 467 & 468 of the Indian Penal Code.
3. Though the earlier bail applications have been rejected on merit, the counsel for the applicant presses the present bail application only on the ground of delay in the conclusion of the trial.

4. According to the applicant, he has already remained in custody for a period of more than 40 months i.e. more than 3 years and 4 months have passed and, the prosecution has not been able to complete the evidence till now and that out of 55 witnesses to be adduced by the prosecution. Till now only around 40 witnesses have been examined and that for the remaining witnesses also considerable period would be consumed and therefore only on the ground of delay in the conclusion of trial, the applicant seeks for the grant of bail.
5. The State counsel however opposing the bail application submits that it is a case where the witnesses are being examined that regular interval and as such there is no delay on the part of the prosecution in the early conclusion of the trial. That since the case of the applicant has already been rejected on various occasions on merits by this Court, no change in circumstance has been made out calling for grant of bail and thus prayed for rejection of the bail application.
6. Having considered the contentions put forth on either side and on perusal of the record, true it is that this Court has rejected the bail applications on various occasions and on all the occasions this Court has been observing that since the trial is proceeding at first pace, the bail was rejected.
7. However, even today when the matter is being heard it has been informed that till now only 40 witnesses could be examined by the prosecution and 15 witnesses are yet to be examined and most of the witnesses left are all departmental witnesses, which may now take more time for calling them for evidence and therefore the applicant who has already retained about 40 months of custody

would further suffer agony of being in jail for a long period only for the reason that the prosecution has not been able to conclude the trial by leading the evidence of all the witnesses expeditiously.

8. Considering the facts and circumstances of the case, particularly the period of custody undergone by the applicant till now and the fact that there are about 15 witnesses still to be examined on behalf of the prosecution coupled with the fact from the averments in the bail application, particularly the daughter of the present applicant being a physically challenged child suffering from Cerebral Palsy and that his mother also suffering from serious ailments, this Court is of the opinion that it is a fit case for grant of bail.
9. Accordingly, the present application for grant of bail is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge