

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7112 of 2017

Kushal Sahu S/o Pilaram Sahu, Aged About 27 Years R/o Village Bhendarwani,
Police Station Saja, District Bemetara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Saja,
District Bemetara Chhattisgarh.

---- Respondent

For Applicant	:	Shri Pradeep Singh Rathore, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/11/2017

Heard.

1. This is the 4th bail application. The applicant had earlier moved applications for grant of bail but the applications were rejected by this Court.
2. The applicant has been arrested in connection with Crime No.231 of 2016 registered in Police Station- Saja, District- Bemetara (C.G.) for alleged commission of offence under Sections 450, 376, 506, 313/34 IPC and Sections 3, 4, 5-h (11) & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant would submit that the applicant is in jail since 27.7.2016 and the trial is not likely to be concluded early because the trial itself has been stayed by this Court in CRR No.173 of 2017 and CRR No.250 of 2017. He would submit that CRR No.250 of 2017 has been directed to be listed for final hearing in due course. Therefore, there is no likelihood of conclusion of trial in near future and the applicant has already remained in jail for more than 1 year and 4 months. Therefore, only on the ground of delay and stay of trial, the applicant has prayed for grant of bail.

4. On the other hand, learned counsel for the State, opposing the bail application, submits that as the applicant is being tried for commission of offence under Section 376 IPC, only on the ground of delay in trial, at this stage, he may not be granted bail.
5. It is found that trial has been stayed by this Court in CRR No.173 of 2017 on 16.2.2017 and in CRR No.250 of 2017 vide order dated 28.3.2017. This revision has been directed to be listed for final hearing in due course along with CRR No.173 of 2017. There is no likelihood of early conclusion of trial, the applicant has already remained in jail since 27.7.2016. Where the period of conclusion of trial is indefinite because of the interim order passed by this Court, the applicant cannot be allowed to languish in jail indefinitely. The application is therefore allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge