

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 232 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.

---- Respondent

For Applicant	:	Shri Sunil Otwani, Advocate
For Respondent /State	:	Shri Garry Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/03/2017**

This is the 6th bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 226/2013 registered at P.S. Dabhra, District Janjgir-Champa (CG) for the offence punishable under Sections 409, 420, 467 & 468 of IPC.

2. The last bail application was rejected only on 03.11.2016. While rejecting the 5th bail application it was held by this Court that no changed strong circumstance was made by the counsel for the applicant for grant of bail which was filed within a short span of time after the 4th bail application was rejected on 19.07.2016.

3. Counsel for the applicant submits that the present bail application is being pressed on the ground that out of total 55 prosecution witnesses only 33 witnesses have till now been examined and a considerable period of time would take for the examination of remaining witnesses. He submits that the prosecution witnesses are avoiding appearance before the Court below and therefore the trial is getting prolonged for no fault on the part of the applicant who has already remained in custody for a period of about 33 months. He further submits that since the trial is proceeding before a Magistrate, the maximum sentence which could be imposed is of three years and as such the applicant has remained in custody the maximum sentence. Thus, counsel for the applicant prays for grant of bail to the applicant.

4. These very grounds have already been taken into consideration by this Court while deciding the 4th bail application. At that time out of 55 witnesses 23

had been examined. Now, as per the contention of the counsel for the applicant, 33 witnesses have been examined which shows that there is substantial progress in the trial after rejection of the 4th bail application on 19.07.2016.

5. Having considered the fact that on five earlier occasions the bail has been rejected, this Court finds it difficult to decide the 6th bail application only on the ground of delay in trial. The only direction which this Court at this juncture can issue is that the trial Court taking into consideration the fact that the applicant is in custody since 09.06.2014 should take the trial of the applicant on priority basis and try to dispose of the trial as expeditiously as possible. The Court below should not hesitate for taking the powers conferred upon it for securing the presence of the witnesses. It is expected that the State counsel should instruct the concerned prosecutor also to make available the witnesses at the earliest for completion of the trial as expeditiously as possible.

6. With the aforesaid direction, the 6th application for grant of bail stands rejected.

**Sd/-
(P Sam Koshy)
Judge**