

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 6517 of 2017**

Hemant Kumar Sahu S/o Gokul Ram Sahu, aged about 45 years, R/o
99G, Risali Sector, Bhilai, District Durg, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Police Station Supela, Civil and Revenue
District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri B. P. Singh, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/10/2017**

This is the third bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 11.11.2014 in connection with Crime No. 609/2014 registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 420, 120B, 467, 468, 471/34 of IPC.

2. The first bail application was rejected on merit by this Court vide order dated 21.02.2017 in MCRC No.432/2017. The second bail application was also rejected vide order dated 27.06.2017 in MCRC No.4319/2017.

3. Counsel for the applicant submits that the third bail application has been moved on the ground that the applicant has already remained in custody for a period of almost three years and the maximum sentence which the Magistrate could impose is that of three years. Therefore, the applicant having completed the maximum jail sentence of three years which the Magistrate could impose, he may be released on bail. The second

ground raised by the counsel for the applicant is that the trial in the instant case is proceeding in a very slow pace in as much as out of total 28 prosecution witnesses only four witnesses have been examined till date and for the last 1 ½ years no witness has been examined. Therefore, considering all these facts, the applicant may be released on bail.

4. State counsel, however, opposes the bail application.

5. A perusal of the record reflects that the situation when the second bail application was considered on 27.06.2017 remained the same and this Court considering the evidence that had come on record rejected the same. The deposition of the four witnesses which has been enclosed along with this bail application also reveals that there are direct allegations levelled against the present applicant of accepting huge amount of money for providing employment to the poor villagers.

6. Considering the fact that the bail application of the applicant has already been rejected on merit on two earlier occasions, this Court does not find any substantial change in the circumstances to reconsider the present bail application moved by the applicant particularly in the light of the evidence which has come before the Court below.

7. The third bail application of the present applicant thus deserves to be and is accordingly rejected.

8. However, it is directed that the Court below should ensure that the trial is concluded as expeditiously as possible and should also use its authority for issuing necessary instruction to the prosecution to make available all the witnesses at the earliest.

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