

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1038 of 2017**

- Mahesh Kumar Sahu S/o Munna Lal Sahu, Aged About 22 Years R/o Near Indira Vihar Gate, Sarkanda, P.S. Sarkanda, Tehsil And District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The District Magistrate Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Petitioners : Shri Atanu Ghosh, Advocate.

For Respondent/State : Shri Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/09/2017**

Heard.

1. Petition under Section 482 of Cr.P.C. has been brought with a prayer to quash the impugned order of the trial Court refusing to grant bail under Section 437(6) of Cr.P.C.
2. It is submitted that petitioner is facing trial in Criminal Case No.3867/2016 for the offence under Section 379 of IPC. Petitioner was arrested in connection with this offence on 9.7.2014, charge was framed on 27.5.2016 and the date fixed for first hearing was 10.6.2016. The prosecution could not complete recording of evidence before passing of 60 days, hence, petitioner moved an application under Section 437(6) of Cr.P.C. before the trial Court which has been rejected vide order dated

13.2.2017. Criminal Revision No.46/2017 preferred against the order has been dismissed by the Sessions Court, Bilaspur vide order dated 15.3.2016. Hence, this petition.

3. It is submitted that petitioner is entitled for bail on the ground for default committed by the prosecution in completing the evidence within the time specified under Section 437(6) of Cr.P.C.. The trial Court and the revisional Court have erroneously and arbitrarily rejected the application and petition made by the petitioner. Hence, prayed that petitioner be enlarged on bail.
4. Learned counsel for the State opposes the petition and the submissions made in this respect. It is submitted that the trial is under progress and is going to conclude very soon, hence, petitioner is not entitled for grant of bail.
5. Heard both the parties and perused the documents on record.
6. On perusal of all the documents submitted along with the petitions, it appears that no cogent reason has been assigned by the trial Court and the revisional Court rejecting the application and petition of the petitioner for grant of bail under the default clause.
7. There are no reasons mentioned in the impugned order on the basis of which the entitlement of the petitioner for grant of bail under this provision cannot be simply disregarded, hence, this petition deserves to be allowed and it is allowed at the motion stage itself and the order passed by the trial Court and by the revisional Court are hereby set aside. It is directed that the petitioner shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed, in case any default is committed by the petitioner in appearing before the Court this order granting bail shall stand cancelled automatically.

8. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE

Nisha