

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1210 of 2017

Siyaram Saiyam S/o Rajaram Saiyam, Aged About 30 Years
R/o Village Baijalpur, Police Station Bodla, District Kabirdham,
Chhattisgarh (Revisionist) ----- **Petitioner**

Versus

State of Chhattisgarh Through Police Station Kukdur, District
Kabirdham, Chhattisgarh. (Non Applicant) ----- **Respondent**

For the Petitioner	:	Mr. Rakesh Pandey, Advocate.
For the State	:	Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.11.2017

1. The instant petition is filed against the order dated 21.08.2017 passed by the learned Additional Sessions Judge (FTC), Kabirdham in Criminal Revision No. 24/2017 whereby the revision was dismissed. By the said order, the learned Sessions Judge has affirmed the order dated 13.07.2017 passed u/s 437 (6) of Cr.P.C. in Criminal Case No. 97/2016.
2. As per the prosecution case, the petitioner has collected different amounts from the villagers to provide them government land on lease. Eventually when the land was not given, the FIR was registered on 26.10.2016 and charge sheet was filed on 27.01.2017.
3. Learned counsel for the petitioner would submit that no reason has been assigned by the courts below to deny the benefit of section 437(6) of Cr.P.C., as the trial is not concluded within 60 days from the date of first evidence. it is further contended that the nature of allegations would not reflect any falsity on the part of petitioner as no receipts

were produced by the villagers to prove that the amounts were given and only on oral and bald statements, the charge sheet has been filed. It is further contended that lastly the case was fixed on 1st August, 2017 and since as many as 126 witnesses have been cited by the prosecution, the trial may take considerable time and no reasonable grounds exists to deny the bail, therefore, the applicant may be extended the benefit of section 437(6) Cr.P.C.

4. A perusal of the orders of the courts below would show that the charges were framed against the petitioner on 27.01.2017 thereafter, the case was fixed for evidence on 09.02.2017. After such date, case was fixed for evidence on 15.02.2017, 28.02.2017, 28.03.2017, 10.04.2017, 11.04.2017, 13.04.2017, 20.04.2017, 04.05.2017, 17.05.2017, 13.06.2017 and 27.06.2017.
5. It appears that admittedly the case was fixed for 09.02.2017 and within 60 days, the trial could not be concluded. Considering the nature of allegations and the fact that as many as 126 witnesses have been cited by the prosecution and as such, the trial may take considerable time, I am inclined to extend the benefit of section 437(6) of Cr.P.C.
6. Accordingly, the petition is allowed and the petitioner is directed to be released on bail on his executing a personal bond in 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE