

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 1724 OF 2018

Hemant Kumar Sahu S/o Gokul Ram Sahu, aged about 45 years, R/o 99-G, Risali Sector, Bhilai, District Durg (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station Supela, District Durg (CG)

... Respondent

For Applicant	:	Shri BP Singh, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/03/2018

1. This is 4th bail application seeking grant of bail to the Applicant who is in jail since 11.11.2014 in connection with Crime No. 609 of 2014 registered at Police Station Supela, Distt. Durg for the offence punishable under Sections 420,120-B,467,468 and 471/34 IPC. The earlier three bail applications were rejected on 21.02.2017, 27.06.2017 and 13.10.2017.
2. The present bail application has been filed only on the ground of delay in conclusion of trial.
3. The contention of applicant is that there is absolutely no progress in trial for the last two years and that none of the witnesses in between have been examined by the prosecution. In all about 25 witnesses have been cited by the prosecution and only 5 witnesses could be examined till now and therefore, the applicant may be released on bail as he has already remained in jail for more than three years.
4. The State counsel however opposes the bail application of the applicant.

5. A perusal of record would show that earlier three bail applications of the applicant have been rejected on merits including the ground of delay in the conclusion of trial. The last application was rejected only about four months back. This court is of the opinion that no strong case is made out for grant of bail at this juncture.
6. However, it is expected that since the applicant has already remained in custody for about three years and four months, the trial by now should have been concluded. The prosecution should take all efforts in making the witnesses present before the court on the dates fixed. The applicant-accused is also expected to co-operate in trial by not adopting unnecessary delay tactics in the conclusion of trial by moving any frivolous application.
7. Given the circumstances, though this court is not inclined to grant bail to the applicant, however it is expected that the trial court should make all endeavors for conclusion of trial within a period of six months from today.
8. The District Judge, Durg, should also take all necessary steps ensuring that trial progresses fast and concludes at an early date. Even if the court has become vacant, the District Judge should ensure that the concerned case is transferred to a different Magistrate so that the trial does not get stalled unnecessarily.
9. With the aforesaid observations, the bail application of the applicant stands rejected.

Sd/-
(P. Sam Koshy)
Judge