

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2499 of 2018

Channu Kadi S/o Hunga Aged About 28 Years R/o- Village Kutrem, Police Station Kirandul, District- South Bastar, Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Officer-In-Charge, Police Station Kirandul, District- South Bastar, Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shishir Dixit, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/05/2018

Heard.

1. The applicant has been arrested in connection with Crime No.14 of 2015 registered in Police Station- Kirandul, South Bastar Dantewada, for the alleged commission of offence under Sections 147, 148, 149, 307, 302, 427, 120-B IPC, Section 25, 27 of the Arms Act, Section 3,5 of The Explosives Substances Act and Sections 13 (1) (a) (b), 38 (2), 39 (2) of Unlawful Activities (Prevention) Act.
2. This application has been filed by the applicant mainly on the ground that the trial has not been concluded even after 3 years.
3. Learned counsel for the applicant would submit that even if the applicant is being tried for commission of heinous offence, his right to speedy trial cannot be denied. Learned counsel for the applicant would submit that though 25 witnesses have been examined, even almost equal number of witnesses remained to be examined. In the alternative, it is submitted that even if bail is

not granted to the applicant, the trial Court may be directed to expedite the trial.

4. On the other hand, learned counsel for the State opposed the bail application. He would submit that the applicant is charged of having committed offence under Section 302 IPC and attacking the police party in a naxellite operation and killing police official. He would submit that the witnesses are being summoned and as the allegations are serious in nature, only on the ground of delay in trial, the applicant may not be granted bail.
5. This Court finds that the allegation against the applicant are that the applicant is involved in an attack on police party, killing police official in encounter between the police and naxellite. The case of the prosecution appears to be based on eyewitnesses account and about 25 witnesses have already been examined. Still, many more witnesses including those who were stated to be the eyewitnesses are yet to be examined. Therefore, looking to the nature and gravity of allegation, only on the ground of delay in trial, I am not inclined to grant bail to the applicant. However, the applicant cannot be denied of his right to speedy trial. The trial has remained un-concluded for last three years. Therefore, it would be appropriate to direct the trial Court to expedite the trial and conclude the same as early as possible without granting unnecessary adjournments. It is further directed that once a witness appears in the Court, none of the parties shall be entitled to any adjournment and the witness shall necessarily be examined by the trial Court.
6. With the observations as above, the application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge