

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7109 of 2018

- 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, P.S. Supela, District- Durg, Chhattisgarh

---- Non-Applicant/State

For Applicant : Shri B.P. Singh, Advocate

For State : Shri Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.10.2018

1. This is the fifth bail application filed under Section 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 (C.G.) for the offence punishable under Section 420, 120B, 467, 468 and 471/34 of IPC.

2. The earlier four bail applications have been rejected by this Court on 21.02.2017, 27.06.2017, 13.10.2017 and again on 06.03.2018.

3. The allegation against the present applicant is that the present applicant is said to have accepted huge amount of money on the pretext of providing government employment, however, as the applicant could not fulfill his promise, a complaint was lodged against him. The bail applications of the applicant have been rejected on four earlier occasions. The present application has been filed only on ground of there being delay in trial.

4. The contention of the applicant is that right from the time when the first bail application was rejected on 21.02.2017, there has been no improvement so far as the evidence of the prosecution party is concerned. According to the applicant, when the first bail application was rejected on 21.02.2017 by that time out of total 27 witnesses cited by the prosecution only 5 witnesses were examined and at

present the position remains the same. The further contention is that inspite of there being specific directions on earlier occasions by this Court to the prosecution agency as well as trial Court for ensuring presence of witnesses and for conclusion of trial, the situation has not changed which has led to the applicant to move present application. According to the counsel, the present applicant is in jail since 11.11.2014 i.e. by now he has completed more than three years and 11 months. Therefore, considering the period of custody undergone also, the present applicant deserves to be released on bail.

5. The State counsel, on the other hand, opposing the bail application submits that considering the gravity of offence and also taking note of fact that this Court has already rejected applicant's bail applications on four occasions earlier, the present applicant does not deserve to be released on bail.

6. Having heard contention put forth by either side, particularly taking note of fact that for the last almost one year and 10 months, there has been no progress in the trial whatsoever inasmuch as not one witness has been examined during this period and till now only 5 out of 27 witnesses have been examined which was the position even at the time of rejection of the first bail application on 21.02.2017. Taking into consideration, the period of custody undergone and the fact that there is very slow progress in the trial, this court of the opinion that the applicant has made out a case for grant of bail on the ground of inordinate delay in conclusion of trial.

7. Accordingly, the application for grant of bail deserves to be and is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the trial Court on each and every date given by the said Court.

Sd/-

(P. Sam Koshy)
Judge