

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 7022 OF 2018**

Mohan Lal Sahu, aged about 57 years, S/o Late Heeru Ram Sahu, R/o Village Nawagaon Kandel, Police Station Arjuni, Tahsil and District – Dhamtari (CG)

... Applicant

versus

State of Chhattisgarh, through : the Station House Officer, Police Station-City Kotwali, Dhamtari, District Dhamtari (CG)

... Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate.
For Respondent	:	Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/09/2018

1. The present is a repeat application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 9.3.2017 in connection with Crime No. 80/2017 registered at Police Station- Kotwali, Dhamtari, District Dhamtari, for the offence punishable under Sections 384, 385, 424, 406 read with Section 34 of IPC.
2. The present application has been filed showing the applicant to have been prosecuted for the offence punishable under Sections 384, 385, 424, 406 read with Section 34 of IPC.
3. Learned State Counsel on perusal of record points out that the applicant has also been charged for the offence punishable under Sections 465, 467 read with Section 34 of IPC. He submits that for the offence under Section 467, the sentence which can be imposed is that of life and the applicant has only remained in custody for just about 1½ years.
4. This Court on two occasions, that is, firstly on 14.6.2017 and again on 10.1.2018 has rejected the bail applications of the applicant.
5. Learned counsel for the applicant submits that the present repeat application has been moved only on the ground of delay, as by now only 6

witnesses have been examined out of the total 20 witnesses and thus considering the period of custody undergone and referring to the four sections in the bail application i.e. Section 384, 385, 424, 406, he submits that the applicant has already remained in custody for a period of more than half of the sentence and thus prayed for grant of bail.

6. The State Counsel has pointed out the fact that the petitioner has also been charged for the offence under Section 465, 467 of IPC when taken into account, it would reveal that this aspect has been suppressed by the applicant. Moreover, the sentence prescribed for the offence under section 467 is life imprisonment.

7. This Court thus is of the opinion that no strong case has been made out by the applicant for grant of bail at this juncture.

8. However, as has been ordered in the previous rejection orders, it is again reiterated that the trial Court should make all endeavors by using all the powers under the provisions of CrPC for summoning of the witnesses and to ensure that the trial is concluded at the earliest.

9. The bail application accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge