

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6081 of 2020**

- Abhishek @ Bittu Nagwanshi S/o Shrawan Kumar Nagwanshi, Aged About 25 Years R/o Sector No.1, Shankar Nagar, Infront Of Child Garden Police Station Civil Line Raipur, District Raipur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, District Raipur (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Y.C. Sharma, Advocate
For Respondent	:	Smt. Fouzia Mirza, Addl. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/11/2020**

This is third bail application by the present applicant.

Learned counsel for the applicant would argue that earlier, bail application was rejected by this Court on consideration on merits but the application was again repeated by filing MCRC No.2717/20 on account of delay. On 19/06/2020, order was passed by which, the application was rejected, though with liberty to revive after three months. Therefore, now, the application has been repeated. He would submit that the applicant is involved in the alleged commission of offence on the basis of solitary eye witness whose examination has been done but till date, cross-examination has not been completed. Therefore, in this situation of pandemic, in any case, time bound direction may be given as physical functioning of the Trial Court has been resumed w.e.f. 17/11/2020.

2. Learned State counsel, on the other hand, would submit that though there has been delay, it is a case of extra ordinary situation of pandemic and once the physical functioning of the Trial Court is resumed, the Court may hear the matter at the earliest, but the applicant may not be granted bail as there is likelihood of applicant fleeing away from justice.

3. Having heard learned counsel for the parties, though I am not inclined to grant bail to the applicant, considering the nature and gravity of allegations, at the same time, it is the right of the applicant to seek early disposal of trial. Since now, the physical functioning of the Court has been resumed w.e.f. 17/11/2020, this Court considers it appropriate to direct the Trial Court to complete the trial at the earliest on top priority basis considering that the applicant is in jail since 19/03/2018. If there is no other case of an accused's arrest prior to 19/03/2018 and trial remaining unconcluded before the Trial Court, present case would be given top most priority for fixing dates for recording prosecution witnesses. The Trial Court may take recourse to coercive processes to ensure presence of the prosecution witnesses including the sole eye witness. All endeavor shall be made to conclude the trial within an outer limit of four months. It goes without saying that if trial is not concluded, the applicant would be at liberty to come back to the Court with a prayer for grant of bail.

4. This application is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge