

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6922 of 2020**

Sanjay Sahu S/o Shri Ram Sahu Aged About 26 Years R/o Acc
Chowk, Near Church, Ghasidas Nagar, Police Station Jamul,
District Durg, Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station Jamul, District Durg, Chhattisgarh

----Respondent

For Applicant	:	Mr. Uttam Pandey, Advocate
For Respondent/State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.10.2020**

1. Present is the third bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 12.10.2017 in connection with Crime No. 499/2017 registered at Police Station- Jamul, District Durg, (CG) for the offence u/s 377 & 506-B of the IPC read with Section 4 of the POCSO Act.
2. The earlier two bail applications were rejected on 16.04.2018 and again on 09.03.2020.
3. The present repeat application has been filed by the counsel for the Applicant stating that the Applicant herein is in custody for a period of three years by now and the maximum sentence which could be imposed under the said offence would be that of seven years and as such he has remained under custody for almost half of the maximum sentence which could be awarded.

4. It is further contention of the counsel for the Applicant that for last six months time, there is no progress in the trial because of the effect of the Covid-19 pandemic, where the trials are not being taken up regularly before the Trial Courts, therefore also there is no likelihood of an early conclusion of the trial so far as the Applicant is concerned.
5. Another fact which has been brought to the notice of this Court by the Counsel for the Applicant, is another FIR dated 14.11.2019 of identical nature registered against the brother of the Applicant and where again the complainant/victim is the same who is the complainant/Victim in the present case. Thus, the Counsel for the Applicant pleaded that there seems to be enmity between the two families which cannot be ruled out at this juncture and for all these facts, the counsel for the Applicant prayed for, the Applicant to be released on bail.
6. The State Counsel however opposing the bail application submits that considering the nature of offence and the fact that this Court has rejected the bail applications of the Applicant vide order dated 16.04.2018 and 09.03.2020 considering the gravity of the offence, no substantial change in development has been brought on record for reconsideration of the said view of the Court, thus prayed for the rejection of the same
7. Having heard the contention of the counsel for the parties and also taking note of the development that has occurred in between particularly the fact that the petitioner has already undergone custody of a period of about three years and secondly, considering the fact that trials at District Level are not as of now being taken

up regularly, there is all likelihood of the trial to get prolonged, compels this Court to consider the application of the Applicant and allow the same in the given factual matrix of the case.

8. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court and for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge