

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5027 of 2019**

Vakesh Kumar Sahu S/o Shri Onkar Prasad Aged About 21 Years R/o Tada,
Police Station Dharshiva, District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Dharshiva, District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Smt. Indira Tripathi, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.08.2020**

Heard.

1. This is the fourth bail application of the applicant. The first bail application of the applicant was dismissed for non-prosecution on 3.8.2018 in M.Cr.C. No. 4884 of 2018, the second bail application was dismissed as withdrawn on 7.9.2018 in M.Cr.C. No. 6236 of 2018 and the trial Court was directed to expedite the trial and conclude the same preferably within a period of four months. The third bail application was again dismissed as withdrawn and sometime was extended for conclusion of trial on 2.4.2019 in M.Cr.C. No. 1005 of 2019. The applicant has been arrested in connection with Crime No.454 of 2017, registered at Police Station – Dharshiva, District – Raipur, Chhattisgarh for the offence punishable under Sections 302, 34 and 201, 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.10.2017 and has been falsely implicated in this case. This application has been filed on this ground that after passing of last order on 2.4.2019, the trial against the applicant is still pending, therefore, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has himself filed a criminal revision against some order passed by the Sessions Court in which this High Court has passed the order for staying the proceedings of the trial against the applicant, therefore, the application be rejected.

4. Heard counsel for both the parties and perused the case diary.

5. Report has been received from the concerned Sessions Court in which it is mentioned that the trial against the applicant was nearing conclusion and the case was fixed for judgment dated 17.5.2019. Subsequent to that, the applicant himself filed a Criminal Revision No. 660 of 2019 before the Court, in which the order dated 15.5.2019 was passed staying the proceeding of the Sessions Court, therefore, the trial is held up.

6. Considering the fact that it is on the revision petition by the applicant himself the trial against him has been stayed, therefore, the ground taken cannot be entertained and I do not feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi