THE HIGH COURT OF MADHYA PRADESH

MCRC NO.40660/2020

(Parmeshwar Mahra Vs. State of MP)

MCRC NO.39787/2020

(Jethu Mahra Vs. State of MP)

Jabalpur, Dated: 09/12/2020

Shri Madan Singh, learned counsel for the applicant in MCRC No.40660/2020 and Shri Neeraj Ashar, learned counsel for the applicant in MCRC No.39787/2020.

Shri Dileep Parihar, learned Panel Lawyer for the respondent-State.

Heard through Video Conferencing.

This order shall also govern the disposal of M.Cr.C.No.39787/2020, as the same has arisen out of the same Crime No.82/2018.

MCRC No.40660/2020 is the 5th bail application, whereas MCRC No.39787/2020 is the third bail application under Section 439 of Cr.P.C. filed by the present applicants, who are in custody since 14.02.2018 in connection with Crime No.82/2018 registered at Police Station Budhar District Shahdol for the offences punishable under Sections 294, 323, 302, 506, 325, 34 of IPC.

The third bail application (MCRC No.36167/ 2019) filed by applicant Parmeshwar Mahra has already been dismissed by this Court on merits vide its order dated 17.9.2019 after taking into consideration the prosecution witnesses, which have been examined so far.

Learned counsel for the applicants have submitted that the applicants are in jail since

14.2.2018 and the trial has come to a halt on account of COVID-19 situation and still it is likely that it would not be concluded within a short period of time. Thus it is submitted that looking to the period of incarceration, the applicants be released on bail.

On the other hand learned counsel for the State has opposed the prayer of the applicants and has submitted that after the applicant's bail application having dismissed on merits, no case for grant of bail is made out.

Heard the learned counsel for the parties and perused the record.

In the present case this Court had also requisitioned the status report from the learned Judge of the trial Court who vide its memo dated 7.12.2020 has informed that until now 14 witnesses have already been examined, however, 15 more witnesses which are important are yet to be examined. It is also stated that on account of COVID-19 Pandemic, the counsel for the accused persons are not marking their presence in the Court as also the accused Bobby who has been granted bail. It is also stated that the remaining witnesses are being issued summons and soon after their presence is secured, the case would be decided expeditiously.

In view of the above mentioned facts and circumstances of the case, although this Court does not find it to be a fit case for grant of bail to the applicants, however, taking note of the fact that 15 more witnesses are yet to be examined, the learned Judge of the trial Court is requested to ensure the presence of the witnesses by issuance of the summons or bailable warrants or arrest warrants if the situation

so arises and conclude the trial within a period of nine months from the date of receipt of certified copy of this order.

Accordingly, both the bail applications stand *disposed of*.

(Subodh Abhyankar)
Judge

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Date: 2020.12.22 10:39:14 +05'30'

Ansari