

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 653 of 2020**

- Made Krishna S/o Made Penta Aged About 31 Years R/o Village Kandulnaar Schoolpara, Tehsil And District : Bijapur, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station Bhairamgarh District Bijapur State: Chhattisgarh

---- Respondent

For Appellant	:	Shri Vikas A. Shrivastava, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board**01/02/2021**

This appeal has been directed against order dated 16/07/2020 by which, the learned Court below has rejected the bail application of the appellant / accused.

2. Learned counsel for the appellant would submit that as the trial is proceeding and about 12 witnesses have been examined, the prosecution case is completely weaken because none of the witnesses have supported the case of the prosecution including the police witness. Therefore, the appellant cannot be allowed to remain in jail for a long time, particularly when the trial has not been concluded till date and the appellant has remained in jail since 16/05/2018.

3. On the other hand, learned State counsel would submit that though the trial has not been concluded, the appellant is alleged to have been involved in naxalite activities of setting ablaze the vehicles where construction work was going on and killing a person. It is submitted that if the appellant is granted bail, there is likelihood of appellant fleeing away from justice and that may affect early conclusion of trial.

4. In the present case, the allegations against the appellant and other accused is very

serious that naxalites, in their activities, set on fire the vehicles and also killed a person. Though, in the present case, the appellant has remained in jail for a long time i.e. since 16/05/2018, at the same time, the allegations are also serious. In a matter like this, we are not inclined to grant bail when there is likelihood of appellant fleeing away from justice and there is likelihood of delay in trial. Therefore, striking balance, it would be appropriate to direct early conclusion of trial. Though we are not inclined to interfere with the impugned order, we direct learned Trial Court to hold the trial as expeditiously as possible. The remaining 13 witnesses will have to be examined at the earliest by ensuring presence of the witnesses, if necessary, by coercive methods.

5. This appeal is, accordingly, dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge