

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No.690 of 2020**

1. Mangdu Ram Gota S/o Late Uelay Gota Aged About 35 Years R/o Village Kudmel, P.S.- Orchha, District- Narayanpur, Chhattisgarh
2. Sannu Ram Usendi S/o Late Pusu Ram Usendi Aged About 35 Years R/o Village Kudmel, P.S.- Orchha, District- Narayanpur, Chhattisgarh
3. Samaru Ram Usendi S/o Chaituram Usendi Aged About 24 Years R/o Village Kudmel, P.S.- Orchha, District- Narayanpur, Chhattisgarh
4. Dhannu Ram Vadde S/o Budhram Vadde Aged About 23 Years R/o Village Kudmel, P.S.- Orchha, District- Narayanpur, Chhattisgarh ----**Appellants**

Versus

State Of Chhattisgarh Through- The Police Station, Orchha, District- Narayanpur, Chhattisgarh ---- **Respondent**

For Appellants	:	Shri Pravin Kumar Tulsyan, Advocate
For Respondent/State	:	Shri Mateen Siddiqui, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

08/02/2021

Heard.

1. This appeal is directed against order dated 20.08.2020, by which, appellants' application for grant of bail has been rejected by the trial Court.
2. Learned counsel for the appellants would submit that at this stage, when about 6 prosecution witnesses have been examined, the direction, in which, trial is going and eventual result is apparent because none of these witnesses have supported the prosecution case and remaining witnesses who are left to be examined, most of them are formal witnesses. He would submit that for various reasons not attributable to the appellants, trial has not been concluded and they are in jail since December, 2018. Merely because the offences are said to be serious in nature, the appellants cannot be kept in jail for such a long time. Therefore, at this stage, the appellants may be granted bail by imposing appropriate condition to ensure their presence

during trial.

3. On the other hand, learned State counsel opposes the prayer and submits that the appellants and other co-accused are being tried for serious allegation of being part of naxalite activities armed with weapon and opening assault and firing on police team thereby injuring police officials also. He would submit that though some of the witnesses have been examined, about 9 witnesses remain to be examined which includes injured police officials. He would submit that if the appellants are granted bail, they are likely to flee away from justice and hamper smooth progress of trial.
4. We have taken into consideration the submission of learned counsel for the parties. Learned Court below has rejected the bail application confining mainly on the aspect of the seriousness of the offence against the present appellants. This Court can take judicial view of the fact that because of lockdown and pandemic situation, the trial Court remained as it is without further progress but physical functioning of the Court has now started from 17.11.2020.
5. The allegations are serious in nature and many other prosecution witnesses including police officials are yet to be examined. Therefore, taking into consideration the totality of the circumstances, we do not find any ground to interfere with the order of the Court below in rejecting bail application. The appeal therefore has to be dismissed. However, we are inclined to issue direction to the trial Court to conclude the trial expeditiously because the appellants have remained in jail for two years without conclusion of trial. Therefore, their right of expeditious trial has to be properly addressed to. The trial Court is therefore directed to conclude the trial within 3 months by conducting trial on day to day basis without granting any adjournment to any of the parties unless very exceptional case is made out. If necessary, presence of prosecution witnesses may be ensured by the Court below thoughailable warrant.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge