

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7882 of 2020

1. Kosa Mandavi S/o Kosa @ Jagra Mandavi Aged About 30 Years Caste Madiya, R/o Bade Gudra Kankipara Thana Kuakonda, District Dantewada, District : Dantewada, Chhattisgarh
 2. Linga Kartami S/o Deva Kartami Aged About 30 Years Caste Muriya, R/o Bade Gudra Kankipara Thana Kuakonda, District Dantewada., District : Dantewada, Chhattisgarh
 3. Baman Muchaki S/o Deva Kartami Aged About 40 Years Caste Muriya, R/o Bade Gudra Kankipara Thana Kuakonda, District Dantewada., District : Dantewada, Chhattisgarh
- Applicants**

Versus

State Of Chhattisgarh Through Police Station Kuakonda, District Dantewada, Chhattisgarh

--- Respondent

For Applicants	:	Mr. Vikash Shrivastava, Advocate
For Respondent/State	:	Mrs. Fouzia Mirza, Additional A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/01/2021

Heard.

1. The applicants have been arrested in connection with Crime No.18/2018 registered at Police Station- Kuakonda, District Dantewada (CG) for the alleged commission of offence under Sections 147, 148, 149, 364, 302 of IPC Section 25 & 27 of the Arms Act.
2. Case of the prosecution is that the applicants, alleged to be naxalites, came to the house of the deceased, abducted him and thereafter he was murdered.
3. Learned counsel for the applicants would submit that the applicants have been arrested on the basis of named FIR but later on, large number of prosecution witnesses have been examined in the trial Court and out of 18, 11 witnesses have been examined, who have not supported the case of the prosecution, therefore, at this stage, when the applicants are in jail since 10.10.2018 and trial has not been concluded till date, the applicants may be

released on bail.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the applicants are being tried for commission of heinous offences and out of 18, though 11 witnesses have been examined, 7 witnesses are yet to be examined and in case, bail is granted to the applicants, they are likely to flee away from justice which may hamper expeditious conclusion of trial. It is also stated that the trial could not proceed due to pandemic situation but now the Courts have started functioning physically with effect from 17.11.2020 and appropriate direction for expeditious conclusion of trial may be issued.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the grave nature of allegation and that 7 prosecution witnesses are yet to be examined and there is possibility of applicants fleeing away from justice which may hamper expeditious conclusion of trial, the application is rejected.
6. As the same time considering that the trial could not be concluded due to non-examination of witnesses, on account of lock-down and subsequent pandemic situation, and now the Courts have started functioning physically with effect from 17.11.2020, the trial Court is directed to conclude the trial within an outer limit of four months and the trial Court shall ensure that witnesses are produced and if necessary by appropriate coercive process.
7. With the said direction for expeditious trial, the prayer for grant of bail is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge