

HIGH COURT OF MADHYA PRADESH**MCRC No.15950/2020****(Nagendra @ Golu Vs. State of M.P.)****Indore: Dated:- 03/07/2020:-**

Ms. Rekha Shrivastava, learned counsel for the petitioner.

Shri R.K. Shastri, learned Public Prosecutor for the respondent/State.

This is the third bail application under Section 439 of Cr.P.C. in connection with Crime No.449/18 under Section 307, 294, 323/34 of the IPC registered at Police Station – Rajendra Nagar, District Indore. Earlier applications have been dismissed on merit.

2. The grievance of the petitioner is that the trial is not moving forward. It is submitted that in the last two years only four formal witnesses have been examined. Even after issuing the process repeatedly, the complainant or injured or even the doctors are not turning up before the Court. It is reported by the police that the complainant has left the place of abode and is now residing somewhere in Pratapgarh, Uttar Pradesh. Therefore, there is no possibility to conclude the trial in near future.

3. It is further submitted that earlier this Court had directed the trial Court to conclude the trial within a period of six months. The trial Court has not taken it seriously. No serious efforts to secure the presence of the witnesses have been made by this trial Court. Therefore, the petitioner

deserves to be enlarged on bail.

4. There is no dispute that since last four months, the Courts are not functioning due to outbreak of Corona Pandemic. It is also emerged out from the argument that the trial Court has issued appropriate processes to secure presence of the witnesses. Besides, now a days the entire police force is deployed in the arrangement related to Corona Pandemic. Keeping in view the facts and circumstances of the case, I do not find it appropriate to allow the present petition on the basis of the contention raised by the learned counsel for the petitioner.

5. Hence, the petition stands dismissed and disposed off.

(Virender Singh)
Judge