

Keshar Vs. State of Rajasthan

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Court : Rajasthan

Decided On : May-26-1989

Reported in : 1989WLN(UC)46

Judge : V.S. Dave, J.

Appeal No. : S.B. Cr. Misc. Bail Application No. 1269 of 1989

Appellant : Keshar

Respondent : State of Rajasthan

Disposition : Application allowed

Judgement :

V.S. Dave, J.

1. Accused petitioner is facing trial for offence under Section 302, IPC in the Court of Sessions Judge, Sikar. The accused was arrested in March, 1988 and he moved an application for bail under Section 439, Cr.P.C. before this court which was rejected by this Court on 10-5-1988 observing that it would be open to the petitioner to move a bail application after the charge sheet is submitted. The accused there after had moved another bail application on August 1, 1983 after submission of the charge-sheet but that too was rejected. How ever, direction was given to the trial court to complete the trial within four months from the date of

receipt of this order. Copy of the order was communicated to the learned Sessions Judge, Sikar vide letter No. CR/Judl. /88/6856 dated 9-9-1988 But till date trial is not complete despite the fact that 8 months have elapsed.

2. Public Prosecutor could not furnish any cogent reason for not completing the prosecution evidence till now. The accused cannot be kept indefinitely in custody for laches on the part of the prosecution in completing the trial, particularly when the directions are issued by this court. Non observance of the direction of this court is a matter to be seriously viewed. In this view and the circumstances of the case I am inclined to grant indulgence to the accused.

3. It is therefore, ordered that the accused petitioner Keshar son of Pokhar r/o Swami-ki-Dhani be released on bail provided he furnishes a personal bond in the sum of Rs. 10,000/- with two sureties in the sum of Rs. 5000/- each to the satisfaction of the trial court with stipulation to appear in that court as and when called upon to do so during the pendency of the trial against him in this case.

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