

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MC.R.C No. 2215 of 2015

Uttam Nag S/o Shri Sajan Nag Aged About 25 years R/o Village Malpuda Godam, Jhopadpatti, Near Rly. Station Balangir, District Balangir, Orissa.

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station Amleshwar, District Durg, Chhattisgarh

---- Respondent

For Applicant	:-	Shri B.P. Rao, Advocate
For Respondent	:-	Shri Ravindra Agrawal, PL

Hon'ble Shri Justice P. Sam Koshy

Order On Board By

10/07/2015

1. This is the second bail application under Section 439 Cr.P.C for grant of bail to the applicant who has been arrested on 1.7.2013 in connection with Crime No. 66/2012 registered at Police Station – Amleshwar, District-Durg, for the offence punishable under Sections 363,366,376 of IPC and 5 (L) 6 of Protection of Children from Sexual Offences Act, 2012. The first bail application of the applicant was dismissed as withdrawn on 30.07.2014 with liberty to revive the same after the prosecutrix is examined before the Court below.
2. The present second bail application has been filed without the prosecutrix being examined.
3. Counsel for the applicant at this juncture prays for withdrawal of the present bail application with request that the Court below may be directed for ensuring the presence of the prosecutrix before the Court below at the earliest so that the evidence can be recorded.
4. The prayer of the counsel for the applicant is very reasonable.
5. Accordingly, the Application filed under section 439 of Cr.P.C. is rejected. However, the Court below to ensure that the witnesses cited by the prosecution particularly the prosecutrix is produced before the Court so that the evidence is recorded at the earliest and the case itself is decided at the earliest.

6. With aforesaid direction the instant M.Cr.C. is dismissed as withdrawn.

7. Counsel for the Applicant is further directed to ensure that the order of this Court is made available to the Court below.

Sd/-
(P. Sam Koshy)
JUDGE