

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 3432 OF 2015

Ramesh Singh @ Rinku Thakur, S/o Late Vijay Singh, aged about 25 years, R/o Bhairamgarh, P.S. Bhairamgarh, Bijapur, Civil District - Dantewada, Bastar and Revenue District- Bijapur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police of Police Station – Bhairamgarh, District – Bijapur (C.G.), Civil and Revenue District Dantewada Bastar (C.G.)

... Non-applicant

For Applicant	:	Mr. B.P. Singh, Advocate.
For Non-applicant	:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2015

1. This is the second Application filed under Section 439 of Cr.P.C. for grant of bail to the Applicant who is in jail since 3.5.2013 in connection with Crime No. 09/2013 registered at Police Station – Bhairamgarh, District Bijapur (C.G.), for the offence punishable under Section 376 of I.P.C.
2. The first Bail Application filed by the present Applicant was dismissed as withdrawn with the liberty to the Applicant to revive the same after the Prosecutrix is examined, vide order dated 19.8.2014 passed by this Court in M.Cr.C. No.4078 of 2014. However, till date the Prosecutrix has not been examined.
3. Learned Counsel for the Applicant submits that for some reasons or the other the Prosecutrix either has avoided entering appearance before the Court below or when she had entered appearance she had not been examined and that for no fault of the Applicant he is languishing in jail for more than two years as of now.
4. A perusal of the order-sheets of the Trial Court reflects that the prosecution is not solely responsible for the non-examination of the Prosecutrix.

5. In spite of all these, the very fact that the first Bail Application of the Applicant was dismissed as withdrawn with the liberty to revive the same after the Prosecutrix is examined, this Court finds it difficult to accept the submissions so made by the learned Counsel for the Applicant.

6. Accordingly and for the said reason, the present Bail Application is rejected. However, the Trial Court is directed to ensure the presence of the witnesses at the earliest and conclude the trial taking into consideration the fact that the matter is pending for quite some time.

Sd/-
(P. Sam Koshy)
Judge