

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2953 of 2015

- Naresh Bhuihar S/o Shri Arjun Bhuihar Aged About 35 years R/O Village- Edarikala, Police Station- Chando, District- Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station- Chando, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant:	Shri Vikash Pandey, Advocate.
For Respondent/State	Shri Suvigya Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/06/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 24/2010 registered at Police Station Chando, Balrampur-Ramanujganj, District Surguja for the offences punishable under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 16.08.2010 applicant committed sexual intercourse with her against her will

and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that there is delay of eleven days in lodging the FIR as incident had taken place on 16.8.2010 whereas FIR was lodged on 27.08.2010 and on account of non-availability of public prosecutor witnesses are not being examined and, as such, the applicant is in jail since 23.04.2012 and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case and the material collected by the prosecution; and further considering the fact that applicant remained absconded for a fairly long time and arrested only on 23.04.2012, I am not inclined to release the applicant on bail. Therefore, the bail application is rejected. However, the trial Court is directed to expedite the trial.

(6) Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-