

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3981 of 2015

Rammurat Kushwaha, S/o Harihar Kushwaha, aged about 36 years, R/o Village Jabar, Police Station Balrampur, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Balrampur, District Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant: Mr. V.K. Pandey, Advocate.

For Non-applicant: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.200/2014 {ST No.R18/2015 pending in the Court of Additional Sessions Judge, Ramanujganj}, registered at Police Station Balrampur, Distt. Balrampur-Ramanujganj, for the offence punishable under Section 376 of the IPC.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn with liberty to file after examination of material prosecution witnesses, vide order dated 3-3-2015 passed by this Court in M.Cr.C.No.677/2015.
3. Case of the prosecution, in brief, is that the applicant committed forceful sexual intercourse with the prosecutrix.
4. Learned counsel for the applicant submits that the prosecutrix has already

been examined before the Court in which she has not supported the case of the prosecution. The applicant is in jail since 13-12-2014.

5. On the other hand, learned State counsel opposes the application and submits that the prosecutrix has supported the case of the prosecution and other material witnesses are yet to be examined.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, reading the statement of the prosecutrix collectively and material available in the case diary against the applicant, I do not find it a fit case for grant of regular bail to the applicant. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the same expeditiously.

Sd/-
(Sanjay K. Agrawal)
Judge