

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5877 of 2015**

- Ramesh Singh @ Rinku Thakur S/o Late Vijay Singh Aged About 25 Years R/o Bhairamgarh, Police Station Bhairamgarh, Bijapur, Civil District Dantewada & Revenue District Bijapur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station Police Station Bhairamgarh, District Bijapur, Chhattisgarh

---- Respondent

For Applicant:
For State:

Mr. Manoj Paranjpe, Advocate
Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04.12.2015**

1. This is third bail application filed under Section 439 of Cr.P.C. for grant of bail to the Applicant who is in jail since 03.05.2013 in connection with Crime No. 09/2013 registered at Police Station – Bairamgarh, District Bijapur (C.G.) for the offence punishable under Section 376 of I.P.C.

2. The first and second bail applications filed by the Applicant were rejected on 19.08.2014 and 17.07.2015 respectively. While rejecting the second bail application this Court made the following observations :-

“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.”

3. Learned Counsel for the Applicant submits that after the order on Second Bail Application on 17.07.2015 was passed, the Prosecutrix in fact appeared before the Court and part of her examination has also been recorded but remaining part could not be completed because of non availability of Prosecutor in the second session of the day. When on Subsequent dates the Prosecutrix appeared her statement could not be recorded for some reason or the other and the matter is getting delayed unnecessarily only to the hardship of the Applicant who is in jail since 03.05.2013.

4. Counsel for the Applicant further submits that except for the part regarding evidence of the Prosecutrix and evidence of Investigating Officer all other witnesses have been examined. Therefore, taking into consideration the conduct of the Prosecutrix and also the fact that the matter is getting delayed unnecessarily the Applicant may be released on bail.

5. Learned Counsel for the State however opposing the said application submits that the evidence of Prosecutrix though in part has been recorded, and only cross examination is left and thereafter only the evidence of Investigating Officer is left. It is clear that the trial is at its fag end and hence it would not be appropriate to release the Applicant on bail at this juncture.

6. Considering the facts and circumstances of the case, Counsel appearing on either side and also taking into consideration the observations given by this Court while rejecting the Second Bail Application this Court is of

the opinion that it would not be appropriate to grant bail to the Applicant at this juncture. However, it is expected that the Trial Court taking into consideration the facts and circumstances of the case and also taking note of the observation made by this Court in Paragraph '6' while rejecting earlier bail application try to complete the trial as expeditiously as possible.

7. Accordingly, the present bail application is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE