

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1738 of 2016**

Neeraj Ekka, S/o Philmon Ekka, aged about 22 years,
Caste- Uraon, R/o Butanga, Police Station Bagicha, District
– Jashpur (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh, Through: Station House Officer,
Police Station Bagicha, District Jashpur (C.G.)

---- Non-applicant

For Applicant: Mr. Sanjeev Sahu, Advocate.
For Non-applicant/State: Mr. Suvigya Awasthy, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/04/2016**

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. 179/2015 registered at Police Station Bagicha, District Jashpur (C.G.) for the offences punishable under Sections 450, 376 and 506(B) of Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant is said to have committed sexual intercourse with the major prosecutrix by threatening her and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that there is delay of two years in lodging the FIR; the prosecutrix is major and consenting party to the act of the applicant; applicant is in

detention since 28.09.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the trial of the applicant is on advance stage as out of listed prosecution witnesses, seven witnesses including prosecutrix have already been examined.

(5) Taking into consideration the facts & circumstances of the case; further considering the fact that seven witnesses have already been examined and the trial is at the verge of conclusion; I am not inclined to release the applicant on bail. Thus, the bail application is rejected. However, the trial Court is directed to conclude the trial expeditiously preferably within a period of two months from the date of receipt of copy of this order. Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-