

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3590 of 2016

1. Suresh Sahu, S/o. Shri Bhaiyalal Sahu, aged about 23 years, Occupation-Agriculturist, R/o. Village-Biniya Chauki, Kedma, P.S. - Udaipur, Surguja, Civil and Revenue District – Surguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the S.H.O., Police Station – Ajak, Ambikapur, Civil and Revenue District – Surguja (C.G.)

---- Respondent

For Applicant	: Mr. V.K. Pandey, Advocate
For Respondent/State	: Mr. Neeraj Ku. Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/07/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.13/2015, registered at Police Station – Ajak, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 306 of I.P.C. read with 3 (2) (V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The first bail application was dismissed on merit vide order dated 27.01.2016 in M.Cr.C.No.187/2016.
2. Case of the prosecution, in brief, is that the on 18.03.2015, Ku. Pawaro Majhwar committed suicide by consuming poison. It is alleged that before 3 years of the incident, the applicant committed

forcible rape with the victim and he was arrested and subsequently after release on bail, he came back and started torturing the prosecutrix and used to come to the house of prosecutrix after consuming liquor. Consequently, she committed suicide by consuming poison.

3. Learned counsel for the applicant submits that this is repeat bail application and no offence has been made out against the applicant. It is further submitted that there is delay in trial and the applicant is in jail since 22.09.2015, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the earlier rejection order dated 27.01.2016, passed in M.Cr.C. No.187/2016, wherein the bail application was rejected on merits. Considering the case diary, in the considered opinion of this Court, no considerable delay has been shown to exist in this case. Taking into the fact that date of incident was 18.03.2015, considering the nature of allegation I am not inclined to release the applicant. However, the trial Court is requested to expedite the trial.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge