

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No. 2331 of 2016**

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.

-----Non-Applicant

For Applicant:	Shri Vikram Dixit, Advocate.
For Non-Applicant/State:	Shri Neeraj Jain, Govt. Advocate.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

04.7.2016

1. This is the 4th bail application preferred by the Applicant under Section 439 Cr.P.C as he was arrested on 3.5.2013 in connection with Crime No.9/2013 registered at Police Station – Bhairamgarh, Bijapur (CG) for the offence punishable under Section 376 IPC. All the earlier bail applications have been disposed of as withdrawn with liberty to revive the same after the prosecutrix has been examined. The 2nd and 3rd applications were filed as the prosecutrix was avoiding appearance for cross-examination after her examination-in-chief was over.

2. This Court on 4.12.2015, while refusing grant of bail to the Applicant, had directed that the Trial Court should take all positive measures for an early

conclusion of the trial as expeditiously as possible. The instant 4th bail application has been filed by the present Applicant after the prosecutrix has entered appearance before the Court below and has been cross-examined.

3. Learned Counsel for the Applicant drawing attention of the Court to the deposition of the prosecutrix submits that there are clear indications from the statement of the prosecutrix that she was a consenting party to the physical relationship that she had with the Applicant and therefore, the offence under Section 376 IPC is not made and that the present Applicant is in jail for almost more than 3 years and therefore, he may be released on bail.

4. On the other hand, State counsel however opposing the bail application submits that it is a case where there were 34 witnesses cited by the prosecution and out of them, 30 have been examined and only 4 witnesses are left who shall also be examined at the earliest and therefore, it would not be proper at this juncture to grant bail to the Applicant and therefore, the same may be rejected.

5. Having heard learned counsel for the parties, taking into consideration the facts and circumstances of the case, particularly the fact that only 4 witnesses remain to be examined out of 34 cited by the prosecution, this Court is of the opinion that it would not be proper to release the present Applicant on bail at this juncture. However, it is directed that the Court below shall take all necessary steps for ensuring presence of the remaining witnesses and if necessary, the Court would also issue necessary instructions in this regard to the concerned Superintendent of Police for ensuring necessary instructions be issued for the presence of the witnesses as it is said that all the 4 witnesses are police personnels or are departmental witnesses.

6. With the afore mentioned observations the present bail application stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE

Priya