

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7870 OF 2016

Uttam Nag, S/o Shri Sajan Nag, aged about 25 years, permanent resident of Village Malpuda, Godam, Jhopadpatti, near Railway Station, Balangir, District Balangir (Orissa)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Amleshwar, District Durg (C.G.)

... Respondent

For Applicant	:	Mr. Goutam Khetrapal, Advocate.
For Respondent-State	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/11/2016

1. This is the fourth application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 1.7.2013 in connection with Crime No. 66 of 2012 registered at Police Station, Amleshwar, District Durg, for the offence under Sections 363, 366, 376 of IPC as well as under Section 5(L) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The first bail application of the present Applicant was dismissed by this Court vide its order dated 30.7.2014 with a liberty to the Applicant to revive the application after the Prosecutrix is examined. Likewise, the second bail application preferred by the present Applicant was also rejected by this Court vide order dated 10.7.2015 on account of the fact that Prosecutrix, as has been ordered earlier, was not examined and it was ordered that the bail application could be revived after the Prosecutrix is examined. Thereafter, the third bail application filed by the present Applicant also stood rejected vide order dated 15.1.2016 on account of

incomplete examination of the Prosecutrix. Now the fourth application has been filed by the Applicant after the Prosecutrix has been examined and discharged.

3. According to the Counsel for the Applicant, he is praying for grant of bail on the ground that there is a discrepancy in the date of birth of the Prosecutrix as according to the Applicant the Prosecutrix on the date of incident was a major. He further submits that the provisions of the POCSO Act could not have been made applicable in the present case as the date of incident in the present case was prior to the coming into force of the said Act.

5. This Court on three occasions after considering the case of the Applicant has rejected the same and on all three occasions the case was rejected for reviving the bail application after the Prosecutrix is examined. Now considering the fact that the Prosecutrix has already been examined and the trial is at the stage of conclusion, without going into the merits of the case this Court is of the opinion that no strong case is made out for grant of bail to the Applicant at the fag-end of the trial.

6. Accordingly, the bail application is rejected. Though in the past also this Court has observed for an expeditious conclusion of the trial, it is expected that the Trial Court shall make all endeavours for an early disposal of the trial by avoiding grant of unnecessary long adjournments.

Sd/-
(P. Sam Koshy)
Judge