

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8265 of 2016

- Jeevan Lakda S/o Tejram Lakda, Aged About 26 Years R/o Village Raimer, Pandopara, Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kapu, District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Shivendra Bhardwaj, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 31-12-2014 in connection with Crime No. 157 of 2014 registered at Police Station Kapu, District Raigarh (CG) for the offence punishable under Sections 456, 354 & 323 of the IPC.
2. Case of the prosecution, in brief, is that on 27-12-2014 a report was made by the victim girl that on 26-12-2014 at night while she was sleeping, the applicant entered into the house forcefully, snatched covering of the bed sheet of victim girl, thereafter caught hold of her hands and tried to drag her. When the victim girl refused, she was assaulted and the applicant was identified and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that there is no progress in the trial. The applicant is in jail 31-12-2014. He

would further submit that the application under Section 437 (6) of the Cr.P.C., was filed which was dismissed. The revision against that order was also dismissed and the petition filed under Section 482 of the Cr.P.C., was also dismissed. However, till date the trial has not been concluded, therefore, considering all the facts and circumstances of the case the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the order of the court below, case diary and statement of the victim girl. It appears that till date trial has not been concluded and the applicant is in jail since 31-12-2014.
7. Taking into consideration the entirety of facts, considering the delay caused in concluding the trial and further considering the fact that charge-sheet has been filed, the applicant is in jail since 31-12-2014, I am inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

