

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.357 of 2017

- Manoj Singh Rajput S/o Shree Shir Kumar Rajput, Aged About 31 Years R/o Nipaniya, Police Station- Lalpur, District- Mungeli Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- City Kotwali, Mungeli, District- Mungeli Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Anish Tiwari, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.40/2015 registered at Police Station City Kotwali, District Mungeli for the offence punishable under Section 363, 366, 354 & 376 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant has committed rape on a minor girl, who is 3 years of age.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that mother of the prosecutrix had also made an attempt to falsely implicate her own husband as deposed by Rajju Thakur, PW-5. It is next submitted that the prosecutrix is a tutored witness which is clear from her own submission. It is lastly submitted that the applicant is in jail since 15-09-2015 and therefore, only on the ground of delay in trial, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that statement of the prosecutrix recorded under Section 164 Cr.P.C. before the Court and the other evidence of prosecution witnesses are in the realm of appreciation of evidence.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of evidence and only on the ground of delay in trial, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of four months.

SD/-

(Manindra Mohan Shrivastava)

J U D G E