

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 254 of 2017

Balchand Sahu S/o Dukaluram Sahu, Aged About 28 Years R/o Ashok Nagar,
Gudiyari, Raipur, District- Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Berla,
District- Bemetara Chhattisgarh.

---- Respondent

For Applicant	:	Shri Suresh Tandon, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No.130 of 2014 registered in Police Station- Berla, District -Bemetara (C.G.) for the alleged commission of offence under Sections 376, 302, 201 read with Section 34 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated, he has not committed any offence. It is next submitted that FIR was lodged against unknown persons. Till then, the prosecution has not completed its evidence and out of 34 witnesses, only 28 witnesses could be examined by now. It is further submitted that witnesses who have already been examined have not deposed anything against the applicant, therefore, at this stage when

the applicant is in jail since 24.5.2014, he may be granted bail.

3. On the other hand, learned counsel for the State has opposed the bail application. He submits that present is a case of heinous offence of grave nature where the prosecutrix was raped and thereafter murdered by three accused including the applicant. He submits that many important prosecution witnesses are yet to be examined, therefore, in these circumstances, the applicant may not be granted bail.
4. Having heard learned counsel for the parties, considering the seriousness of allegation and that about six more prosecution witnesses are yet to be examined, I am not inclined to grant bail to the applicant at this stage. However, considering that the case is pending since last 2 and ½ years, the trial Court is directed to expedite the trial and ensure that trial is concluded as early as possible without granting any unnecessary adjournments to any of the parties.
5. The application is accordingly rejected with the observation and direction as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge