

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 1720 OF 2017

Indarsay @ Suresh @ Sudu Nageshiya S/o Shiv Prasad Nageshiya, aged about 20 years, R/o Village - Bharatpur, Bhursatoli, Police Station-Shankargarh, District-Balrampur-Ramanujganj (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Police Station-Shankargarh, District-Balrampur-Ramanujganj (CG)

---Non-applicant

For Applicant	:	Mr. A.K.Yadav, Advocate.
For-Non-applicant	:	Mr. Sumit Jhanwar, P.L.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28/03/2017

Heard the matter finally

1. Learned counsel for the applicant would submit that the applicant is facing trial in Special Sessions Trial No.7/2015 before the Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj (CG) and he was arrested on 28.3.2015 under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012. Ten witnesses have been examined including the prosecutrix, however, the prosecutrix remained hostile and not supported the case of the prosecution. Other witness i.e. father of the prosecutrix was also hostile. The investigating officer has also been examined. He would further submits that as there is no any evidence adduced by the prosecution during trial, the applicant may be enlarged on bail.

2. Per contra, learned Panel Lawyer for the respondent/State opposes the arguments advanced on behalf of the applicant.
3. Perused the material.
4. Considering the evidence collected by the prosecution for trial and other facts also, this is not the proper forum to evaluate the evidence of the prosecution witnesses and their admissibility in the matter.
5. After perusal of the material collected by the prosecution, I am not inclined to allow the instant bail application. Consequently, the instant bail application is rejected. However, considering the detention period of the applicant, the Court below is directed to conclude the trial as early as possible preferably within a period of six months from the next date of hearing.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE

B/-