

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1082 of 2017

- Vishwanath Soni S/o Ram Dayal Prasad Soni, Aged About 55 Years
R/o Village Mayapur, Ambikaur, Civil & Revenue District Surguja,
Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
Ambikapur, Civil District & Revenue District Surguja, Chhattisgarh. ----
Respondent

For the applicant	:	Mr. Sakti Raj Sinha, Advocate
For the State	:	Mr. Anil S.Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.05.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No 720/2015 registered at P.S. Ambikapur, Distt. Surguja (C.G) for the offence punishable under Sections 376(2)(n), 376(2)(f), 376(2)(i), 377, 323, 506B of IPC and u/s 5(1)/4, 5(m), 6, 5(n)/6 of Protection of Children from Sexual Offences Act, 2012.
2. The first bail application was dismissed on 05.09.2016 on merits.
3. As per the prosecution case, the applicant who is step father of the victim used to commit sexual assault and unnatural sex on the girl aged about 11 years which was revealed to the officer of Child-line School and subsequently the report was made.
4. Learned counsel for the applicant would submit that the prosecutrix was not examined in this case despite several

dates fixed by the court below, therefore, the trial is being lingered on. He further submits that the report is delayed by 1 year and 11 months and no reason has been assigned for such delay and false allegations have been levelled. He further submits that the applicant is in jail since 18.12.2015 and looking to the period of detention, the applicant may be enlarged on bail.

5. On the other hand, learned State Counsel opposes the prayer. The concerned Police Officer who was present on the last date of hearing was directed to submit the explanation as to why the prosecutrix is not being produced
6. The explanation filed by Mr. Naresh Chauhan, Police inspector, Kotwali Ambikapur by way of Affidavit is seen wherein it is stated that the prosecutrix is under the care and custody of MSSVP Bal Griha (Balika), Darripara, Ambikapur, District Surguja and due to illness of prosecutrix, she could not be produced. It is submitted that she will be produced on the next date of hearing i.e., 16.05.2017. The statement of the prosecutrix is also enclosed with the affidavit filed by the officer in charge.
7. Taking into such fact that the prosecutrix could not be produced due to her illness, I do not find any change of circumstances to reconsider the bail of applicant. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**