

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4158 of 2017

- Santu @ Nasruddin S/o Sekh Samshuddin, Aged About 25 Years R/o Ganesh Nagar, Chuchuhiyapara, Police Station Sirgitti, Tahsil & District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police In Charge, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Arvind Dubey, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

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.188/2016 registered at Police Station Sirgitti, District Bilaspur for the offence punishable under Section 363, 366, & 376 of IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

3. This second application for grant of bail has been moved by the applicant mainly on the ground of delay in trial and that the prosecutrix is not being served for her deposition in the Court, resultantly, the applicant is languishing in jail since 17-06-2016.

4. Learned counsel for the applicant submits that the other members of the family of the prosecutrix have received summons and examined by the Court, but the prosecutrix is not being served, which shows that the family of the prosecutrix avoiding examination of the prosecutrix and it supports that the

applicant has been falsely implicated.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that applicant is being tried for commission of heinous offence and only on the ground of delay in trial, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, at this stage, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected. The applicant may revive his application after three months. The Superintendent of Police, Bilaspur is directed to ensure that the summons be duly served on the prosecutrix for her examination before the Court below.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E