

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8171 of 2017

- Kishnakant Singh S/o Shree Rampravesh Singh Aged About 46 Years R/o Fullhad, Police Station Vaishali, District Vaishali, Bihar Wrongly Mention As Baishali In Lower Court Order Present Address Shivanand Nagar, Sector 3, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

--- Respondent

For Petitioner : Shri Maneesh Sharma, Advocate
For Respondent/State: Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/02/2018

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.100/2016 registered at Police Station Khamtarai, Raipur for the offence punishable under Section 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

3. This is the fourth bail application mainly on the ground that the trial is being unduly delayed and till date, not concluded.

4. Learned counsel for the applicant submitted that earlier this Court had granted liberty to the applicant to revive, in case, the trial is not concluded within a reasonable period. He also submits that even six months thereafter, trial has not been concluded and about 4 to 5 prosecution witnesses are yet to be examined.

5. Though, there has been delay in conclusion of trial as the case has remained pending since last one year, balancing the nature and gravity of allegation with the period of detention during trial, I am not inclined to grant bail on this ground.

6. Accordingly, the application is rejected. However, the trial Court is directed to

expedite the trial. It is observed that once the witnesses would appear before the Court below, no adjournment shall be granted and the witnesses shall be necessarily examined. The Trial Court shall do well to take necessary and appropriate coercive steps for appearance of the witnesses, who are not appearing despite issuance of summons.

SD/-

(**Manindra Mohan Shrivastava**)

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