

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7706 of 2017

Hamid Khan S/o Munna Khan, Aged About 22 Years R/o Behind Hardware Line,
Supela, Bhilai, Police Station Supela, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Supela,
District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Uttam Pandey, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

04/01/2018

Heard.

1. The applicant has been arrested in connection with Crime No. 507 of 2016 registered in Police Station- Supela, District- Durg, Chhattisgarh, for the alleged commission of offence under Sections 363, 366, 342, 323 IPC and Section 11 (i), 12 of the Protection of Children from Sexual Offences Act, 2012.
2. This third bail application for grant of bail has been moved by the applicant mainly on the ground of long detention of the applicant and that trial has not been concluded.
3. Learned counsel for the applicant would argue that all the offences for which the applicant is being tried are not punishable with life imprisonment. It is next submitted that the trial is being delayed and out of 14 witnesses, till date, only 3 prosecution witnesses have been examined by the trial Court. Further submission is that as the prosecutrix has now been examined who is the most material prosecution witnesses, therefore, at this stage, the applicant may

now be granted bail on appropriate terms and conditions.

4. On the other hand, learned counsel for the State, opposing the bail application, submits that the applicant is alleged to have committed offence under Sections 363, 366, 342, 323 IPC and Section 11 (i), 12 of POCSO Act and for commission of offence under Section 366 IPC, punishment up to 10 years is prescribed under the law. Therefore, the applicant is not entitled to grant of bail.
5. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration that the applicant is in jail since last 1 & ½ years and only three prosecution witnesses have been examined and further that the prosecutrix has now been examined, at this stage, when there is no likelihood of tampering with the prosecution witnesses, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge