

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2560 of 2018**

Sanat S/o Sadhu Chandrawanshi Aged About 42 Years R/o- Nayapara, Ward No. 2, Pandatarai, Police Station- Pandatarai, Tahsil- Pandariya, Civil And Revenue District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- District Magistrate, Kabirdham, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicant : Shri Dharmesh Shrivastava, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.07.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn. The applicant has been arrested in connection with Crime No.86 of 2017, registered at Police Station – Pandatarai, District – Kabirdham, Chhattisgarh for the offence punishable under Sections 366, 376 and 506 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 14.09.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed and the trial has made no progress and so far one witness has been examined. On perusal of the statement of the prosecutrix itself, it appears that it is a case of consensual physical relationship. Hence, it is prayed that the applicant be

enlarged on bail.

3. On the other hand, learned counsels for the State oppose the bail application and the submissions made in this respect. It is submitted that the prosecutrix has supported the case of the prosecution. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case of the prosecution, the applicant abducted the prosecutrix and by putting her under threat, he committed the offence of rape on number of occasions for about four months by keeping her in different places. Hence, this case.

6. Considered the material present in the case-diary. The applicant is in jail since about 10 months. No progress has taken place in the trial against him. There are 16 more witnesses to be examined in the trial, hence, this shows that the trial against this applicant is getting prolonged. Therefore, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi