

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5180 of 2018**

Horilal Yadav, aged about 30 years, son of late Lok Nath Yadav,
R/o village Bargaon, PS Berla, District Bemetara, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police
Station Berla, District Bemetara (CG)

---- Respondent

For Applicant	:	Shri Uttam Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/07/2018**

This is the repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 11.08.2017 in connection with Crime No. 224/2017 registered at Police Station- Berla, District Bemetara (CG) for the offence punishable under Sections 342, 376, 395 & 397 of IPC.

2. The earlier bail application stood rejected as withdrawn with liberty to revive the same after the material prosecution witnesses are examined.

3. Counsel for the applicant submits that the repeat bail application is being made after the material witnesses have all been examined. He submits that perusal of the evidence which has been recorded till now itself would show that there is no overtact on the part of the applicant so far as the offence of rape is concerned neither has the prosecution been

able to collect any photograph or video recording or the mobile from which the alleged indecent photographs of the prosecutrix could be said to have been taken/recorded by the applicant. Counsel for the applicant submits that the applicant in the instant case is totally handicapped person and requires the help of someone else for his movement, therefore, it is hard to believe that the applicant has committed such an offence.

4. However, perusal of the evidence would show that most of the witnesses who have been examined and on whose evidence reliance has been placed have not turned hostile and have supported the case of the prosecution and also corroborated the statement which were recorded during the course of evidence. Given the facts and circumstances of the case, this Court is of the opinion that it is not a fit case for grant of bail to the applicant at this juncture.

5. Accordingly, the application for grant of bail stands rejected. However, considering the fact that most of the prosecution witnesses have already been examined, the trial Court is directed to conclude the trial at the earliest.

Sd/-

(P. Sam Koshy)
JUDGE