

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5316 of 2018

Smt. Sapna @ Gappo Beriya, W/o. Shri Roshan Beriya, Aged About 30 Years, R/o. Bapu Nagar, Thana Torwa, Civil And Revenue Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Tarbahar, Distt. Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Sumit Shrivastava, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.243/2017 registered at Police Station- Tarbahar, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366 of Indian Penal Code. The first bail application was dismissed on merit on 05.12.2017 in MCRC No.6641/2017.
2. Case of the prosecution, in brief, is that a report was made by the mother of the victim girl that she was missing. Subsequently, when the girl was found, it was revealed that the present applicant has given a chocolate to the victim whereby she lost her consciousness and thereafter she had been taken to Raipur, Raigarh and other different places.
3. Learned counsel for the applicant submits that the present bail application has been filed on the ground of delay in trial and the appellant is in jail since 06.08.2017 and out of 15 witnesses, only

9 witnesses have been examined till date; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail to the applicant.
5. Considering the fact that out of 15 witnesses, 9 witnesses have already been examined and further taking into the earlier rejection order, I do not find any change of circumstances to reconsider the instant second bail application as no any reasonable delay has been pointed out.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed, however, the trial Court is expected to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge