

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7231 of 2018**

Anil Das Manikpuri S/o Mahesh Das Manikpuri Aged About 20 Years R/o Kuanjatti, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Uttam Pandey, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.11.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.6892 of 2017 dated 17.1.2018. The applicant has been arrested in connection with Crime No.223 of 2016, registered at Police Station – Ratanpur, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 376 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.9.2016 and has been falsely implicated in this case. The prayer is being made only on the ground that the applicant is in jail since more than two years and still the trial against him has not been concluded. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has been examined before the concerned Court and she supported the case of the prosecution. Hence, the applicant is not entitled for grant of regular bail.

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

5. It is alleged that on the date of incident this applicant abducted the prosecutrix aged about 17 years on the date of incident and then committed the offence of rape with her. As informed by counsel for the applicant that out of 26 witnesses in the list of the prosecutrix so far, only 13 witnesses have been examined during the period of two years in which the applicant has remained in detention.

6. Considering the submission that looking to the likelihood delay in conclusion of trial against the applicant, I feel inclined to grant regular bail to the applicant in this case.

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 his 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi