

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 184 of 2019**

- Shushil Lakda S/o Bagar Sai Aged About 21 Years R/o Podi Kala, Pandapara, Police Station Darima District Surguja Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through Police Station Ambikapur, District Surguja Chhattisgarh

**---- Respondent**

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For Applicant : Shri Anurag Singh, Advocate  
For Respondent/State : Shri R.K. Bhagat, Dy. GA for the State.

Shri Vinay Singh Baghel, S.H.O., Police Station Ambikapur, is also present before the Court.

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****19/02/2019**

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.500/2015 registered at Police Station- Ambikapur, District Surguja (C.G.) for the offence punishable under Section 376 (D) of I.P.C.
2. The first bail application bearing M.Cr.C. No.7245 of 2018 was dismissed on 30.10.2018.
3. As per the prosecution case on 05/09/2015 victim along with her friend were

going to their relatives house at village Darima since it became dark they stayed in the house which was being constructed with the consent of some of the labourers and thereafter at about 9 o' clock applicant along with other co-accused came there forcefully committed rape and assaulted boy sandeep.

4. Learned counsel for the applicant submits that the applicant is in jail since 05/09/2015 and the prosecutrix has not yet been examined and there is delay in trial, therefore, the applicant may be released on bail.
5. The concerned Station House Officer was called before this Court to explain as to why the prosecutrix has not been examined. The reason assigned is that the prosecutrix was married and was pregnant and delivery has taken place on 15.02.2019, therefore, she could not be examined.
6. In view of the above, at this stage I do not find the present a fit case to grant bail on the ground of delay as several reasons exist for non-production of the prosecutrix. Accordingly, the bail application is dismissed. However, liberty is granted to the applicant to repeat the bail if the prosecutrix is not examined within a further period of three months.

Sd/-

Goutam Bhaduri  
Judge

Ashu