

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 703 of 2019**

Kiran Kumar Yadav S/o Sahni Yadav, aged about 22 years, R/o village Limgaon, Police Station Malkharoda, District Janjgir-Champa (CG)

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police of Police Station A.J.K. Janjgir, District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant	:	Mr. C. P. Lahrey, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/01/2019**

This is a repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 10.07.2017 in connection with Crime No. 258/2017 registered at Police Station- A.J.K. Janjgir, District Janjgir-Chmpa (CG) for the offence punishable under Sections 363, 366, 376-D of IPC, Sections 5(अ) & 6 of Protection of Children from Sexual Offences Act and Section 3 (2) (5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. The earlier bail application stood dismissed as withdrawn vide order dated 25.06.2018 in MCRC No. 998 of 2018.
3. Counsel for the applicant submits that the applicant in the present case is in jail since 10.07.2017 and the trial is unnecessarily getting prolonged for no fault on the part of the applicant. He submits that the

prosecutrix has since been examined and there are many omissions and contradictions in her statement. He further submits that only one witness is left to be examined for completion of the trial and in spite of 4 months having lapsed, the said witness has not been examined by the prosecution. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that at the relevant point of time, the prosecutrix in the present case was aged around 15 years. She further submits that from the deposition of the prosecutrix it does not reveal that she has turned hostile, rather she has supported the case of the prosecution. Therefore, the applicant does not deserve to be release on bail.

5. Considering the facts and circumstances of the case, particularly the fact that the prosecutrix being a minor and that only one more witness is left to be examined on behalf of the prosecution and as such the trial is at its fag end stage, this Court is not inclined to grant bail to the applicant at this juncture.

6. Accordingly, the present application for grant of bail stands rejected. However, the trial Court is directed to ensure that the remaining witness is promptly called and examined and the trial is concluded at the earliest.

Sd/-
(P. Sam Koshy)
Judge