

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1220 of 2019**

American Cherwa S/o Shiv Balak Aged About 20 Years R/o Jogidihpara, Police Chouki Dorwa, P.S. Pasta, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through The Police Station Pasta, District Balrampur-Ramanujganj, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Vikash Pandey, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/02/2019**

1. The present is a third bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 53/2017 registered at Police Station Pasta, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 376(2-n,i) of Indian Penal Code and Section 5(8), 6 of the Protection of Children from the Sexual Offences Act, 2012.
2. The earlier two bail applications stood dismissed on 09.04.2018 and again on 04.07.2018. Present repeat bail application has been filed on the ground that the trial is unnecessary getting prolonged for no fault of the applicant.
3. According to the applicant, out of the total 16 witnesses, only 3 witnesses till date have been examined and for the last more than 6 months, no witnesses have been examined at all by the

prosecution. Therefore, the applicant be released on bail on the ground of delay in trial.

4. State counsel submits that this Court had already rejected the bail applications on the two occasions considering the gravity of the offence, as also the statement of the prosecutrix, who has since been examined before the trial Court.
5. Having heard the contentions put forth on either side and on perusal of record, taking into consideration the nature of the offence, this Court is not inclined to release the applicant on bail at this juncture. However, while disposing of the bail application on the earlier occasion on 04.07.2018, this Court had specifically directed the trial Court to ensure that the trial is concluded at the earliest. It is well over 6 months that the said order was passed and it appears that there has been no substantial progress in the trial. Though from the order sheet, it appears that the trial Court has been making steps for calling upon the witnesses, but the witnesses for some reasons are not able to appear before the Court for recording of evidence.
6. Given the facts, this Court is inclined to further direct the trial Court to ensure that the case be taken on priority basis considering the fact that the applicant, a 20 years old boy is in jail since 06.09.2017 and the trial Court further is directed to ensure that all necessary orders be passed for keeping the witnesses present on each date and on the witnesses being present, they may also be examined on the same date, that they have been called for. The trial Court may

further avoid granting unnecessary long adjournments with an intention to conclude the trial at the earliest.

7. With the aforesaid directions, the present MCRC stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved