

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 1756 of 2019**

Peter Alisavli S/o S. K. Vali, Aged About 46 Years R/o Quarter No.
H-41, Vrindavan Colony, Jagdalpur, District - Bastar Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station - Narayanpur, District –
Narayanpur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shobhit Koshta, Advocate
For State	:	Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/05/2019**

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 10.03.2017 in connection with Crime No. 29/2017 registered at Police Station- Narayanpur (CG) for the offence punishable under Sections 376, 506 of IPC and Sections 4, 6 of Protection of Children from Sexual Offences Act.

2. The earlier bail application stood dismissed as withdrawn vide order dated 26.03.2018 in MCRC No. 739 of 2018 with liberty to revive the same after the prosecutrix is examined.

3. The repeat bail application has been filed after a gap of around one year on the ground that though one year has lapsed, till date the prosecutrix has not entered appearance for examination before the Court below.

4. On the last date of hearing this Court had asked the State counsel

to get the report as to why the prosecutrix is not being examined in spite of over one year having lapsed.

5. Today, State counsel received a report from the concerned Superintendent of Police as well as SHO. The report suggests that the Police authorities have been able to contact the prosecutrix who has narrated certain facts which reflect that there were certain pressure tactics adopted to avoid the evidence of the prosecutrix being recorded. It has been informed that the next date of trial before the Court below is 19 & 20th June, 2019 and the matter has been fixed for evidence of the prosecutrix.

6. Given the aforesaid facts and circumstances of the case particularly, the report that has been submitted by the Superintendent of Police, Kondagaon as well as the SHO, Narayanpur, this Court is of the opinion that no strong case has been made out by the applicant at this juncture to grant the benefit of bail to the applicant.

7. Reserving the right of the applicant to revive the bail application after the statement of the prosecutrix is recorded, the present bail application stands rejected.

8. However, it is directed that the concerned Superintendent of Police would ensure that on the next date of hearing i.e. 19 & 20th June, 2019 the prosecutrix shall be kept present before the Court and also ensure that the evidence is recorded on the same day. The trial Court is also directed to ensure that the statement of the prosecutrix should be recorded on the top priority basis on the very day when she is made available before the Court. The prosecutor representing the State is also directed to ensure that the matter does not get adjourned under any circumstance and all priority should be given for recording of the

evidence of the prosecutrix on the next date of hearing.

9. Since the next date of hearing is fixed on 19 & 20th June, 2019, the concerned SHO as well as the Superintendent of Police should not wait for service of summon upon the prosecutrix and she should in any case be made available before the Court below on the next date of hearing.

**Sd/-
(P. Sam Koshy)
Judge**