

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3093 of 2019**

- Sonu Kumar @ Sunny S/o Shri Sunul Mahto, Aged About 21 Years Caste - Kahar, R/o Quarter No. 43, Ward No. 17, Ghasidas Nagar, Police Station Jamul, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The District Magistrate District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Achyut Mishra, Advocate
For Respondent/State	:	Shri Anmol Sharma, Panel Lawyer

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/07/2019**

Heard.

1. This is a repeat bail application. Earlier bail application was dismissed as withdrawn.
2. It is argued by learned counsel for the applicant that till date, the trial has not been concluded and out of 22 prosecution witnesses, only 10 prosecution witnesses have been examined. It is also submitted that the applicant is in jail since 17-10-2016. He would argue that even according to the evidence of the prosecutrix, who has now been examined, she was a consenting party and had eloped along with the applicant. He would next submit that the prosecution has not led any clinching evidence to prove that on the date of alleged commission of offence, the prosecutrix was less than 18 years of age. Therefore, at this stage, learned counsel for the applicant prayed that the applicant may be granted bail, as he is not likely to abscond.
3. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the prosecutrix has been examined and

prima facie, from her statement, it is seen that even though, she was a consenting party, it would not make any difference, because according to the prosecutrix's statement, she was less than 18 years of age, on the date, when she was removed from the lawful custody of her guardian by the applicant.

4. It is found that the applicant is in jail since 17-10-2016 and even after 2 & 1/2 years, the trial has not been concluded. It is also found that number of prosecution witnesses including the prosecutrix has been examined. The age of the applicant, at the time of alleged commission of offence, appears to be 19 years and that of the prosecutrix, as per defence, is more than 18 years. Therefore, taking into consideration the material on record and that there is delay in trial and the applicant has remained in jail for the last 2 & 1/2 years, I am inclined to grant bail to the applicant.

5. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local sureties of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

6. It is made clear that any attempt made to protract and delay in trial, would render the bail liable to be canceled. The trial Court shall expeditiously conclude the trial. Once the prosecution witnesses appear, no adjournment shall be granted to any of the parties and the witnesses shall not be returned without examination.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E