

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3551 of 2019**

1. Pradeep Das S/o Pratap Chandra Das Aged About 39 Years R/o Village Manjhigudapara Navrangpur, Police Station And District Navrangpur, (Orissa) At Present Ambedkar Ward, Nayamunda, Vikram Khora, Police Station Bodhghat, Jagdalpur, District Bastar Chhattisgarh.
2. Jagbandhu @ Jaiki Bhatra, S/o Ram Singh Bhatra Aged About 36 Years Caste - Bhatra , R/o Santoshi Ward, Near Luthran Church, Police Station Bodhghat, Jagdalpur District Bastar Chhattisgarh (Wrongly Mentioned As Bhatara In The Ho'nble Court Order Sheet)

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Thana Kotwali Jagdalpur, District Bastar Chhattisgarh.

----Non-applicant

For Applicants	:	Mr. Alok Kumar Dewangan, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/06/2019**

1. This is a 3rd bail application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 449/2017 registered at Police Station Thana Kotwali, Jagdalpur, District Bastar, Chhattisgarh for the offence punishable under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code. The first bail application was rejected on 28.06.2018 and the second bail application was rejected on 04.10.2018. On 04.10.2018 when the bail application was rejected, this Court had reserved the right of the applicants to revive only after the complainant Satyavati was examined.
2. The present bail application has been filed on the ground of delayed trial. According to the applicants, the complainant Satyavati is

deliberately avoiding appearance before the Court to lead evidence and the applicants are in jail for no fault of them. According to the applicants, inspite of repeated opportunities being granted and bailable warrant also being issued, the complainant Satyavati is not appearing before the Court for evidence. It is further the contention of the applicants that the complainant Satyavati on the contrary is demanding money from the applicants and their family members for compromising the case.

3. The State counsel however opposing the bail application submits that it is a case where on two occasions the bail applications have been rejected and that the complainant having till date not being examined, it is not a fit case for release of the applicants on bail at this juncture.
4. The fact that this Court had on the previous occasions rejected the bail applications and reserved the right of the applicants to revive the bail application only after the complainant Satyavati being examined, forces this Court to reject the present application on the ground that the complainant Satyavati till date has not been examined. The bail application therefore stands rejected.
5. However the Court below is directed to ensure that strict action and compliance is taken as per the provisions of the Cr.P.C. ensuring the presence of the complainant for evidence at the earliest and the trial also is concluded at the earliest.
6. The complainant Satyavati should not be granted unnecessarily prolonged adjournment for evidence as she has already been granted a number of time for the same. The liberty of the applicants

to revive the bail application would still be there in case if the statement of the complainant is not recorded for any reason on the part of the complainant herself for a period of more than 3 months.

Sd/-
(P. Sam Koshy)
Judge

Ved