

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4327 of 2019**

Domendra S/o Tilakram Lodhi Aged About 21 Years R/o Village Bajguda,
Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh., District :
Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chhuikhadan, District
Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rahil Kochar, Advocate
For the State	:	Shri D.K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**14/10/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application of the applicant was rejected by this Court on 15/04/2019 in MCRC No. 696/2019 considering *prima facie* material available on record against him.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.207/2018 registered at Police Station Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376, 302, 201 of IPC.
3. Case of the prosecution, in brief is that on 06/10/2018 deceased Ku. Rekha Janghel, aged about 19 years resident of Bajguda, did not returned back to house till evening. Her father Ganpat intimated police station Chhuikhadan where a report regarding missing person was lodged. During investigation a memorandum of applicant was recorded. On the memorandum of applicant one bag was seized from applicant containing two dupatta of deceased Rekha Janghel, some books, one copy, one key ring of bicycle. At Chhura river forest some bones and hairs were found. Shav Panchnama was prepared. Father of the deceased Ganpat identified the clothes of deceased.
4. Counsel for the applicant submitted that applicant innocent and falsely

implicated in the present case. Counsel for the applicant further submitted that trial is delayed. Applicant is in jail since 19/10/2018. In the case in hand no dead body was recovered, there is no FSL report, alleged seizure witnesses PW 3 Khorbahra Das Janghel and PW 5 Sukhram Janghel did not support the alleged seizure, thus applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. In the case in hand I.O. has to be examined. At this stage mere non-production of FSL report does not entitle applicant for releasing on bail. Delay in trial is a considerable factor but it is also true that other factors are also important and material while deciding the bail application.
7. Looking to the above mentioned facts and circumstances of the case, looking to the *prima facie* evidence available on record against the applicant, looking to the seriousness of alleged offence, looking to the impact of granting bail to the applicant on society, this Court finds that it is not a fit case where the applicant may be released on bail in second round of litigation.
8. Consequently, second bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge