

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5998 of 2019**

- Ghanshyam Ram Bunkar S/o Parmeshwar Ram Bunkar Aged About 36 Years Occupation Service, R/o Village Incholi (Badekona), P.S. Sanna, District-Jashpur, Chhattisgarh, Present Address Linepara, Semra, P.S. Kusmi, District-Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Kusmi District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Akath Kumar Yadav, Advocate.

For Non-applicant : Shri Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.09.2019**

1. This is fourth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed on 24.08.2018 in MCRC No. 5430 of 2018 considering the prima facie case against the applicant, the second bail application of the applicant has been rejected by this Court on 08.01.2019 in MCRC No. 9368 of 2018 considering the prima facie case against the applicant and the third bail application of the applicant has been dismissed as withdrawn on 25.06.2019 in MCRC No. 3087 of 2019.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 29/2018 registered at Police Station – Kusmi, District – Balrampur-Ramanujganj (C.G.) for the offence

punishable under Section 376, 506 of the IPC.

4. Case of the prosecution, in brief is that on 24.04.2018 at about 11:12 pm in village Bakeentoli, the prosecutrix went to outdoor for toilet, at that time, applicant came there and caught her hand and pressed her mouth and took away her in the field and committed forcible sexual intercourse with her and also threatened to kill her.

5. Learned counsel for the applicant argued that while deciding the second bail application this Court had directed to expedite the trial and dispose off the case preferably within 2 months, during the third bail application this Court had given direction to the trial Court to expedite the trial and dispose off the case preferably within a period of 45 days, yet the trial is going on, prosecutrix is not appearing before the trial Court and she is untraceable. He drew my attention on the certified copy of the order sheets of the trial Court. He further submits that he is in jail since back 1 year and 4 months, thus, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.

7. Though the trial is delayed despite the direction of this Court the trial Court has not complied but looking to the other aspects of the case i.e. looking to the seriousness of the case, looking the impact of granting bail to the applicant on society, this Court finds that said aspect raised by the counsel for the applicant itself is not sufficient to enlarge the applicant on bail in 4th round of litigation. Consequently, the fourth bail application is rejected.

8. ARJ is directed to call report from the concerned Additional Sessions Judge as to why the trial is not concluded and whether the concerned Judge has applied for extension of time after order of this

Court dated 25.06.2019.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

kishore