

HIGH COURT OF CHHATTISGARH, BILASPUR
M.CR.C. No. 117 of 2019

Priyansh Jain, S/o. Shri P. C. Jain, Aged About 26 Years, R/o. Minocha Colony, Vaishali Pride, Police Station Civil Lines, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Mahila Arakshi Kendra Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Dr. N. K. Shukla, Sr. Advocate with Mr. Shailendra Shukla, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/01/2019

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.05/2018, registered at Police Station – Mahila Aarakshi Kendra, Bilaspur (C.G.) for the offence punishable under Section 365, 366-B, 368 & 370 of the Indian Penal Code and Section 3, 4, 5, 6, 7, & 9 of Immoral Trafficking (Prevention Act) 1956. The first bail application of the applicant was dismissed on merits vide order dated 01.05.2018 in M.Cr.C. No.1837/2018.

2. The earlier bail application of the applicant has been decided on merits by this court. The prayer of the applicant in this application is only on the ground of delay in conclusion of trial. Apart from that the girls from Thailand, rest of the important witnesses have been examined and none of them have supported the prosecution case and the Thai girls are not appearing before the Court because they have left the country, therefore, the applicant is

languishing in jail without any fault on his part. Therefore, it is prayed, the applicant may be granted regular bail.

3. Per contra learned State counsel opposes the bail application and the submission made in this respect. It is submitted that earlier bail application was decided on merits and rejected, therefore, the applicant is no entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. There is no need to go into the merits of the case as the merit has already been considered in the earlier application. Now the question raised is only that the trial is getting delayed because of none- appearance of the witnesses, who have left the country and there is no possibility of them for appearing before the Court. Therefore, under these circumstances and for the reasons the trial is getting delayed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge