

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 330 of 2019**

Mahesh Kumar Dhobi S/o Peelaram, Aged About 19 Years, R/o Nehru Nagar, Batari, Dipka, Police Station Dipka, Tahsil Katghora, District Korba, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station A. J. K. Koraba, Civil And Revenue District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Lavkush Kumar Sahu Advocate
For Respondent	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/01/2019**

This is the third bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 02.08.2016 in connection with Crime No. 98/2016 registered at Police Station- A.J.K, Korba (CG) for the offence punishable under Sections 376 of IPC and Sections 6 & 4 of the Protection of Children from Sexual Offences Act and Section 3 (2) (5) of the SC ST (Prevention of Atrocities) Act.

2. The first bail application stood rejected on 28.03.2018 and the second bail application stood rejected on 27.08.2018. Barely 4 months having passed the third bail application has been filed.

3. The main ground for filing of the third bail application is the delay in trial and that the applicant is languishing in jail for a period of 2 ½ years and that he is not responsible for the delay in early conclusion of the trial.

4. Counsel for the applicant submits that the witnesses who have till

date been examined have not fully supported the case of the prosecution. Moreover, for the last more than 6 months there has been no progress in trial in as much as no further witness has been examined.

5. Given the said facts and circumstances of the case, particularly going through the two orders of rejection of bail, this Court is of the opinion that no strong case has been made out for grant of bail to the applicant at this juncture.

6. Though this Court while rejecting the second bail application on 27.08.2018 had directed the trial Court to ensure that the witnesses are summoned and the case is decided at the earliest. There seems to be no substantial progress on the part of the prosecution for an early conclusion of the trial.

7. Given the fact that out of total 19 witnesses only 12 have been examined as is revealed from the documents produced along with the bail application, this Court is of the opinion that let the trial Court take firm steps for summoning the witnesses and ensuring the evidences to be recorded at the earliest so that the trial itself is concluded at the earliest as has been ordered earlier.

8. With the aforesaid direction, the present bail application stands rejected.

**Sd/-
(P. Sam Koshy)
JUDGE**