

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1516 of 2020

Ashish Shukla S/o Shri Ramesh Shukla Aged About 23 Years R/o Village Nauragpur Chowki Chilfi Police Station Lormi District Mungeli Chhattisgarh. (Wrongly Mention in the impugned order Tahsil Masturi District Bilaspur)

---- Applicant

Versus

State Of Chhattisgarh Through SHO Chowki Chilfi Police Station Lormi District Mungeli Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dheerendra Pandey, Advocate.
For Non-applicant/State	: Mr. Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is a *repeat* bail application filed by the applicant before this Court for grant of regular bail. The earlier bail application MCRC No.6252/2018 was dismissed as withdrawn on 23.10.2018. The applicant has been arrested on 11.5.2018 in connection with Crime No.189/2018, registered at Police Chowki Chilfi, police station – Lormi, District- Mungeli, Chhattisgarh for offence punishable under Sections 377 and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 11.5.2018 and has been falsely implicated in this case. No progress has taken place in the trial against him. Charges have been framed against the applicant on 28.9.2018 and as per the information received not a single witness has been examined before the trial Court till date. The trial is getting delayed and the applicant is languishing in

jail without any fault on his part. Hence, it is prayed that the applicant be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the charge of offence committed against the applicant is of grave nature. Hence, the applicant is not entitled for grant of regular bail.
4. Heard learned counsel for the parties and perused the case diary.
5. The case against the applicant is that on the date and time of incident, he committed unnatural sexual intercourse with the victim, who is a boy of age 14 years.
6. Considering the delay that has occurred in the trial and it appears that the learned trial Court has not taken any pain to see that the witnesses are produced before the Court on the date of hearing, therefore, I feel inclined to grant regular bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge