

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2034 of 2020

- Laxman Kumar Jangde S/o Chhedilal Jangde Aged About 21 Years R/o Village- Kumhari, P.S.- Kosir, Tahsil- Sarangarh, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kosir, District Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Awadh Tripathi, Advocate.
For Non-applicant/State : Mr. Davendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-07-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of bail to the applicant. The first application M.Cr.C. No.3196/2019 was dismissed on merits on 16.07.2019. The second application M.Cr.C. No.6799/2019 was dismissed on 21.10.2019 and direction was issued to the trial Court to conclude the trial preferably within a period of three months. The applicant has been arrested on 24.01.2019 in connection with Crime No.250/2018, registered at Police Station- Kosir, District- Raigarh, C.G. for offence punishable under Sections 376, 506, 313 and 314 of I.P.C.
2. In the present application, it is submitted that the trial against the applicant has not been concluded so far, even though the number of prosecution witnesses have been examined in the trial and according to the statement given by these witnesses, no case is made out against

the applicant and the trial is getting delayed, therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the first application has been dismissed on merits. Further, the trial has also made sufficient progress, therefore, there is no reason to entertain this third application for grant of bail. Therefore, it is prayed that this application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. As per prosecution case, M.Cr.C. No.3196/2019 was decided on 16.07.2019 and considering the gravity of offence against the applicant, his application was rejected. Although a number of witnesses have been examined and the copy of their deposition have also been filed along with the application, but this Court can not appreciate the evidence of witnesses in the trial and give any opinion for the purposes of granting bail to the applicant. It may be so that some delay has occurred and the present pandemic situation has created a circumstance because of which, the Courts are not functioning normally. But this situation is not going to continue forever. Further, it also appears that the trial against this applicant is near completion, therefore, for these reasons, I do not feel inclined to allow this application.
6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge