

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3933 of 2020**

Vicky Manikpuri S/o Late Shri Mukundas Manikpuri, Aged About 23 Years R/o Near Government Primary School Kailash Nagar, Durg Police Station Mohan Nagar, Tehsil And District - Durg Chhattisgarh., District : Durg, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through - The Police Station Mohan Nagar, District - Durg Chhattisgarh., District : Durg, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Avinash Chand Sahu, Advocate
For the State	:	Shri D.K. Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29/06/2020**

1. Heard.
2. Admit.
3. Case diary is available.
4. This is the third bail application under Section 439 of the CrPC.
5. Earlier first bail application of the applicant was dismissed by this Court for want of prosecution vide order dated 15/02/2019 passed in MCRC No. 688/2019. His second bail application was rejected by this Court vide order dated 28/03/2019 passed in MCRC No.1735/2019 considering prima facie case against him.
6. Perused the case diary in connection with the Crime No.347/2018 registered at Police Station Mohan Nagar, District Durg (C.G.) for the offence punishable under Section 376 of IPC.
7. Case of the prosecution, in brief is that prosecutrix is about 23 years of age. She is resident of Kailash Nagar, Durg. She is weakened mind. She is able to talking. On 04/09/2018 between 6.30 to 7.00 p.m. applicant took her forcibly in a dilapidated house near across the canal and committed forcible sexual intercourse with her.
8. Counsel for the applicant submitted that applicant is in jail since long time. No substantive progress in trial, hence applicant may be released on bail.
9. On the other hand, counsel for the State opposes the bail application. He further submitted that no criminal antecedents against the applicant.
10. It is true that detention period of the accused and delay in trial are material factors for disposal of the bail application of the accused but equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important

factors for disposal of the bail application filed by the accused.

11. There is no such material change in the circumstances which may entitle applicant to enlarge on bail in third round of litigation. Consequently, third bail application of applicant is rejected. However, trial Court is directed to dispose of the case as soon as possible when the regular functioning is start.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde