

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4440 of 2020**

- Santosh Kumar Sinha, S/o Mehtaru Ram Sinha, Aged About 33 Years, R/o Village- Thailitola, Tahsil/ Thana -Ambagarh Chauki, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through : Police Station- Ambagarh Chauki, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Adv.
For Respondent/State	:	Mr. H. S. Ahluwalia, Dy. A. G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.08.2020**

1. The accused/applicant has moved this **Third bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 91/2018 registered at Police Station- Ambagarh Chauki, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 302, 376 & 452 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to repeat the same after four months vide order dated 02.07.2018 passed in MCRC No. 3857/2018 and the second bail application of the applicant was dismissed as withdrawn with liberty to revive the same after four months if the trial is not concluded vide order dated 18.03.2019 passed in MCRC No. 1379/2019.
3. The prosecution story, in brief is that, on 07.10.2017, the

present applicant entered the house of the prosecutrix and committed rape with her, thereafter he gave an overdose of some medicines. Based on this, offence has been registered. Present applicant has been taken into custody on 30.03.2018.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that all the prosecution witnesses turned hostile except Dilip Kumar Sinha (PW/8). The applicant is in jail since 30.03.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that there is an evidence of rape against the applicant, so, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.
9. The trial Court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of five months from the date of receipt of this order.

Sd/-
(Rajani Dubey)
Judge