

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6067 of 2020**

- Jitendra Mandal S/o Late Baburam Mandal Aged About 63 Years R/o Bapu Nagar, Near Jai Stambh And Vijay Kirana Stores, Khursipar, Zone 2, Bhilai, Tahsil And Districe Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri Rudranath Mukherjee, Advocate.

For Non-applicant : Shri B.P. Banjare, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.11.2020**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court on 13.08.20219 in MCRC No. 4680 of 2019 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 146/2019 registered at Police Station – Khursipar, Bhilai District – Durg (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
4. Case of the prosecution, in brief is that the prosecutrix is about 23 years old. She is resident of Kurshipar. On 01.05.2019 between 19:00 hours to 20:00 hours applicant entered in the house of the prosecutrix, closed the doors, touched her body parts, penetrated his penis into her vagina.
5. Counsel for the applicant argued that applicant is in jail since

03.05.2019, trial would take its own time, hence, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.

7. This is true that the detention period of the accused and delay in trial are considerable factors for disposal of the bail application filed by 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 important and material factors for the disposal of the bail application filed by the accused.

8. In the present scenario, it cannot be held that the trial Court is responsible for delay in trial.

9. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where applicant may be released on bail in second round of litigation. Consequently, the present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE