

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 706 of 2021**

- Aju Rajwade S/o Dhaneshwar Rajwade Aged About 19 Years R/o Sidhma-Gandhitola, Police Chowki- Bario, Police Station Rajpur, District Balrampur-Ramanujganj

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sharad Mishra, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/06/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.172/2019 registered at Police Station – Rajpur, District – Balrampur - Ramanujganj (C.G.) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. This is repeat bail application. Earlier application was dismissed as withdrawn with liberty to revive, in case, trial is not concluded within three months. Now, repeat application has been filed.
3. Learned counsel for the applicant would argue that the applicant is in jail since 15/07/2019 but till date, trial has not been concluded. He submits that even though the applicant has been charged of commission of heinous offence of rape on a minor, he cannot be kept in jail indefinitely. He would further submit that now prosecutrix has been examined and her statement has been recorded. The prosecutrix has made contradictory statement regarding sexual intercourse. He further submits that the applicant and the prosecutrix had an affair, therefore, it is clearly a case of consent

between the parties. He would also argue that no definite opinion with regard to forcible sexual intercourse was given by the doctor.

4. On the other hand, learned State counsel opposes prayer and submits that at this stage, the applicant is being tried for commission of offence of rape on a minor, therefore, only on the ground of delay in trial, the applicant may not be granted bail and because of the pandemic situation, if the trial could not be concluded, appropriate direction may be given for early conclusion of trial.

5. True it is that the applicant is in jail since 15/07/2019 but at the same time, it is seen that the applicant is being tried for commission of offence of rape on a minor. This Court would not comment upon appreciation of evidence of the prosecutrix however, we find that the trial has not concluded till date. Therefore, at this stage, to strike balance, it would be proper to direct learned Trial Court to conclude the trial within three months. In case, trial is not concluded within three months, this application may be repeated.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge