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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4516 of 2021**

Ashish Khes, S/o. Shri Manhar Khes, aged about 21 years, Occupation Student, R/o. Village Rajouti Barpara, Police Station Sitapur, District Surguja (Ambikapur) Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. J.K. Gupta and Ms. Sangeeta Soni, Advocates
For Respondent/State	: Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/09/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.192/2018, registered at Police Station – Sitapur, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 376, 506, 114 of the Indian Penal Code and Section 5L/6, 17 of Protection of Children from Sexual Offences Act, 2012. The first bail application M.Cr.C. No.3118 of 2019 of the applicant was dismissed on merits vide order dated 17.06.2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 07.01.2019. It is submitted that circumstances have now changed in favour of this applicant. The prosecutrix has been examined and she has made certain admissions in her cross-

examination, which are in favour of this applicant. The applicant has undergone about more than two and half years in jail and the trial against him is still not concluded. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that earlier bail application for bail has been dismissed on merits. Further the prosecutrix has supported the prosecution case in her examination-in-chief, before the Court. Therefore, there is no case present for grant of bail to the applicant.
4. Notice issued to the prosecutrix/complainant as returned served, but there was no appearance and no representation from the complainant side on the fixed date 05.08.2021.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. There is no need for consideration on the application on merits. This fact is clear that the applicant is in jail since about two and half years and trial against him is still pending. Certified copy of the deposition of the prosecutrix is filed for perusal of this Court, which is perused. After considering on all the circumstances present and also taking into consideration the fact that the applicant is in jail since two and half years and the trial is getting delayed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram