

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4533 of 2021**

- Sukhal Ram S/o Amarsai Aged About 22 Years R/o Village Rampur, Police Station And Tehsil Odgi, District - Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Surajpur, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri SA Ansari, Advocate
For Respondent/State	:	Shri Mateen Siddiqui, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****31/08/2021**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.202/2020 registered at Police Station Surajpur, District Surajpur for the offence punishable under Section 363, 366 & 376 of IPC and Section 6 of the POCSO Act. The applicant was arrested on 09-06-2020.
2. This is repeat bail application. Earlier bail application was dismissed as withdrawn.
3. Learned counsel for the applicant would submit that even though, one year has elapsed, the trial is not concluded till date. It is submitted that the prosecutrix has now been examined in the Court and the manner, in which, she has deposed in the Court, it does not appear to be a case of rape or consensual sexual intercourse as also age of the prosecutrix is doubtful, therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the applicant is being tried for commission of heinous offence and what the prosecutrix has stated before the trial Court is to be believed or not, is a matter of appreciation of trial.
5. Taking into consideration the submission of learned counsel for the

parties, without commenting upon the merits of case, considering the nature of allegation, I am not inclined to grant bail to the applicant. The bail application is therefore, rejected. Whether the statement of prosecutrix should be believed or not, this Court cannot be gone into at this stage.

6. However, considering the fact the applicant is in jail since 09-06-2020, the trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of four months,

Certified copy as per rules.

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