

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5195 of 2021**

- Pradeep Dewangan S/o Mr. Pawan Kumar Dewangan Aged About 25 Years R/o Near Bhatagaon, Purani Basti Raipur, District Raipur Chhattisgarh, Permanent R/o Village Charbhata, P.S. Kurud, District Dhamtari Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri Y.C.Sharma, Senior Advocate with Shri Hariom Rai, Advocate
For State	:	Shri Ishwar Jaiswal, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/09/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.30/2020 registered at Police Station – Mahila Thana, District – Raipur (C.G.) for alleged commission of offences under Section 376 and 506 of IPC.
2. This is repeat application for grant of bail. Earlier application was rejected on 27/08/2020. Now, repeat application has been filed mainly on the ground that the applicant has remained in jail since 13/05/2020 but till date, there is no material progress in trial except framing of charges.
3. Learned counsel submits that earlier bail application was rejected mainly on the ground that in the event of grant of bail, there is strong likelihood of tampering with the prosecution witnesses and family members would kill if she would not withdraw the case. At the same time, it will have to be seen that the trial has remained pending since 1 year and 3 months without progress in the trial. Therefore, at this stage, the applicant may be granted bail with appropriate conditions.

4. On the other hand, learned State counsel submits that rejection of the bail application was taken into consideration on a peculiar circumstances and the material on record that the applicant was threatening the prosecutrix that she would be killed if she insists on continuity of relationship with the parties and his father and brother are also continuously threatening the prosecutrix to withdraw the case.

5. The main operative reason for rejection of bail application was likelihood of tampering with prosecution witnesses in the light of threat administered on the prosecutrix. At the same time, this Court finds that trial has not been concluded till date and the applicant has remained in jail for 1 year and 3 months.

6. Striking balance between the applicant's right of speedy trial and prosecution witnesses are not tampered, the prosecutrix has to be examined at the earliest. Application is accordingly rejected. As per the program of trial, the prosecutrix is to be examined by the Trial Court in the next week. Thereafter, it would be open for the applicant to revive the bail application.

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