

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No.8209 of 2012

Babulal Hansada @ Jattu Hansda. Petitioner.

-Versus-

The State of Jharkhand. Opposite Party.

CORAM : HON'BLE MR. JUSTICE NARENDRA NATH TIWARI

For the Petitioner : Mr. S. K. Murthy, Advocate

For the State : APP

04/21.12.2012: The petitioner is an accused in the case registered under Section 376 of the Indian Penal Code.

Learned counsel for the petitioner submitted that though the petitioner's prayer for bail was earlier rejected by order dated 16th March, 2012 passed in B.A. No.1710 of 2012, he was given liberty to renew his prayer for bail if his trial is not concluded by 31st August, 2012; there is no progress in the trial since after 2nd February, 2012 and no further witness(s) has/have been examined; the petitioner is in custody since April, 2010; there is no likelihood of conclusion of the trial in near future; the petitioner deserves to be released on bail.

Learned A.P.P. opposed the petitioner's prayer for bail and submitted that the petitioner is an accused of committing rape on the victim and there are materials against him in the case diary; the trial is in progress and is likely to be concluded shortly.

Regard being had to the nature of the allegation and stage of the case and also the fact that the petitioner's prayer for bail was earlier rejected on merit and no fresh ground is made out except that he has remained in custody for some more period, I am not inclined to release the petitioner, above named, on bail.

Accordingly, petitioner's prayer for bail is rejected.

However, since the petitioner is in custody for a long time, his trial shall be expedited. If the petitioner's trial is not concluded by 31st March, 2013, he shall be released on bail on furnishing bail bond/surety to the satisfaction of the learned Trial Court.

(Narendra Nath Tiwari, J.)

Sanjay/