

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5969 of 2015**

Chedi Lal Pal, S/o Shri Maha Singh Pal, aged about 40 years,
R/o Village Pondi, Police Station Sirgitti, District Bilaspur (CG)

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Sirgitti, District
Bilaspur (CG)

---- Non-applicant

For Applicant : Shri Amit Kumar, Advocate
For Non-applicant : Shri Dilman Rati Minz, Deputy Government
Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

06/11/2015**(1)** Heard.

(2) This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.332/2014 registered at Police Station Sirgitti, District Bilaspur, for the offence punishable under Section 376 of the Indian Penal Code.

(3) The first bail application of the applicant was dismissed as withdrawn with liberty to file the same after examination of all the material prosecution witnesses by order of this Court dated 27.04.2015 passed in M.Cr.C. No.1287/2015.

(4) Case of the prosecution, in brief, is that the applicant has allegedly abducted the prosecutrix on 07.12.2014 and committed

forcible sexual intercourse with her and, thereby, committed the aforesaid offences.

(5) Learned counsel appearing for the applicant submits that seven material prosecution witnesses have been examined before the trial Court and they have not supported the case of prosecution and the applicant is in jail since 11.12.2014, charge-sheet has already been filed and no useful purpose will be served by keeping him in jail and, as such, the applicant may be released on bail.

(6) On the other hand, learned counsel appearing for the State submits that the prosecutrix and other material prosecution witnesses have clearly supported the case of prosecution, therefore, applicant is not entitled for grant of bail.

(7) I have heard learned counsel appearing for the parties and perused the case diary.

(8) After hearing learned counsel appearing for the parties and after going through the statement of the material prosecution witnesses, nature and gravity of the offence and the manner in which the applicant has allegedly committed forcible sexual intercourse with the prosecutrix, I do not consider it a fit case to entertain the second bail application. Therefore, the second bail application is rejected.

(9) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-