

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 649 of 2016

Manik Bagga @ Mannu S/o. Khushbir Singh Bagga, Aged About 19 Years, R/o. Mova Cool Homes, Daldalseoni, Raipur, presently at Adwani Colony, Raipur, Civil and Revenue Distt. Raipur (Chhattisgrh)

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Khamtarai, Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. B.P.Sharma, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/02/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.333/2015 registered at Police Station- Khamtarai, Raipur (C.G.) for the offence punishable under Sections 323, 506 Part-II, 442, 120-B, 376 & 354 of the Indian Penal Code. The earlier bail application was dismissed on 02.11.2015 on merits in M.Cr.C. No. 5804 of 2015.
2. Case of the prosecution is that on 06.09.2013 the prosecutrix was called by one Bunty Sharma and thereafter, she alongwith Bunty Sharma went out and consumed liquor. Subsequently, on phone call received, the present applicant namely Manik Bagga asked her to reach particular spot wherein she alongwith Bunty Sharma went there and during the stage of intoxication against her will sexual intercourse was committed and she was also assaulted.

3. Learned counsel for the applicant referred to certain photographs, which is filed alongwith this application and would submit that applicant and the prosecutrix were in close relation and the applicant has been falsely implicated in this case. The counsel went through the statement of the prosecutrix and submits that the conduct of the prosecutrix has to be seen, therefore, taking into such past relation of the applicant with the prosecutrix, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that on primary reading of the statement of the prosecutrix, she has stated against the applicant. He would further submits that against the earlier rejection order a petition was preferred before the Hon'ble Supreme Court, which was dismissed as withdrawn, therefore, the counsel submits that the applicant is not entitled for bail.
5. Perused the statement of the prosecutrix, wherein positive statement has been made against this applicant, therefore, without any observation on merits at this stage, I am not inclined to release the applicant on bail. However, the Trial Court is requested to expedite the Trial.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge