

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1614 of 2016

Rajesh Kumar Gendle S/o Kunjram Gendle Aged About 30 Years
R/o Village Bhulankapa, Police Station Pathariya, Civil - District -
Bilaspur & Revenue District Mungeli Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Jarhagaon, District -
Mungeli Chhattisgarh

---- Respondent

For applicant - Shri A.K. Yadav, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/03/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 30/11/2015 with liberty to repeat the same after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 78/2015 registered in Police Station Jarhagaon, Revenue District Mungeli, Civil District Bilaspur C.G. for offence punishable under Section 376 (2) g of IPC as per charge.
3. Learned counsel for the applicant submits that case was fixed for examination of the prosecutrix 7 times, however prosecutrix has not turned up and the gang rape charges have been diluted presently. He further submits that 11 witnesses have been examined and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as per statement of the prosecutrix, she was mentally retarded and she was subjected to rape, therefore applicant may

not be released on bail.

5. I have perused the statement of the prosecutrix and from the earlier date of rejection on 30/11/2015 no circumstance has changed as the prosecutrix is still to be examined. Taking in to fact that from the date of earlier rejection order there is no change of circumstance appears to re-consider this repeat bail application.

6. Accordingly, the second bail application is dismissed. However, trial court is requested to expedite the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE