

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4384 of 2016

Bhushan Yadav S/o Rekha Ram Yadav Aged About 37 Years R/o Village Bhatgaon, O.P. Jevra Sirsa, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Y.C. Sharma, Advocate
For Respondent/ State	:-	Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

18/07/2016

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. 373/2015 registered at Police Station- Pulgaon, District Durg (C.G.) for the offence punishable under Sections 376 (Gha) 37(2) (Dha), 506, 312, 34 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merit on 03.12.2015 in M.Cr.C. No. 6569 of 2015.
3. As per the prosecution case, on 21.07.2015, a report was lodged that the applicant along with the other accused used to come to the house of the prosecutrix in absence of her mother and thereafter committed forcible sexual intercourse and the matter

came to the light when the prosecutrix became pregnant and after termination of pregnancy, the report was lodged.

4. Counsel for the applicant submit that the applicant has been falsely implicated in this case and he is in jail since 22.07.2015 and there is enormous delay in this case, therefore, the applicant may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. The earlier bail application was dismissed on merits. On further perusal of the case diary, statement of the witnesses and the documents, I do not find any change of circumstances in this case, therefore, I am not inclined to released the applicant on bail.
7. Accordingly, the application for grant of bail is rejected. However, the trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge