

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4218 of 2016

Rajendra Kumar Paikra, S/o. Ram Prasad Paikra, Aged About 34 Years,
Occupation - Govt. Service, R/o. Village - Kotba, Chowki - Kotba, Tahsil -
Patthalgaon, Civil & Revenue District – Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : S.H.O. of the Police Station -
Gharghoda, District – Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.08.2016

1. This is the third 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.304/2015 registered at Police Station- Gharghoda, District Raigarh (C.G.) for the offence punishable under Section 376 of Indian Penal Code. The first bail application was dismissed on merit on 06.11.2015 and the second bail application was dismissed for want of prosecution on 17.06.2016.
2. Case of the prosecution, in brief, is that on 20.09.2015, the prosecutrix lodged a written report against the applicant before the Police Station Gharghoda alleging that the applicant on the pretext of marriage committed sexual intercourse and subsequently when she became pregnant, at the instance of the applicant, the child was aborted. Consequently, it is stated that on the pretext of marriage, she has been sexually exploited.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 21.09.2015, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Learned counsel for the applicant is unable to submit the fact that what is the change of circumstances taken place after rejection of the earlier bail application, as it is informed that the prosecutrix has not been examined yet. Considering the same, I do not find any change of circumstances to entertain the instant third bail application.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge