

HIGH COURT OF CHHATTISGARH, BIL

Order Sheet

MCRC No. 1868 of 2016

- Manoj Kumar Devangan, S/o Shivprasad Devangan, Aged About 51 Years, R/o Village - Bhedikala, Thana - Lalbag, Distt. - Rajnandgaon, Chhattisgarh

---- Application

Versus

- State of Chhattisgarh Through : Thana - Lalgab, Distt. - Rajnandgaon
Chhattisgarh

--- Respondent

29.03.2016	Mr. Sameer Singh, counsel for the applicant. Mr. Anant Bajpai, Panel Lawyer, for the State. This is the second bail application filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No.336 of 2015 registered at Police Station Lalbag, District Rajnandgaon (C.G) for the offence punishable u/ss 354, 354(A), 506 of IPC and Section 8 of Protection of Children from Sexual Offences Act. The first bail application was dismissed on 21.12.2015 with liberty to repeat the same after examination of the prosecutrix. The prosecution case in brief is that on the date of incident when the prosecutrix was alone in her house, the present applicant who is father of prosecutrix came there and tried to outrage the modesty of the prosecutrix and when the prosecutrix shouted, her mother came to her rescue and at that time the mother was also assaulted by the applicant, for which a report was made. Learned counsel for the applicant submits that certain dispute was existing between the applicant and mother of prosecutrix i.e., wife of applicant and they	

were living separately which led to such false lodging of report and submits that reading the statement of the prosecutrix would show that the prosecutrix has failed to substantiate the allegation. Therefore, the applicant may be enlarged on bail.

Per contra, learned State Counsel opposes the bail application.

Perused the statement of mother of prosecutrix (P.W.1) and the statement of prosecutrix (P.W.2).

After perusal of the statements, at this stage, it would not be fair for this court to evaluate the statements of prosecution witnesses as it would amount to deciding the case on merits. Therefore, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE

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