

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1670 of 2016

Shani Dewal S/o Shri Sanjay Kumar Kashyap Aged About 21 Years
R/o Nagar Kusmi (Masjidpara) P.S. Kusmi, District Balrampur-
Ramanujganj Chhattisgarh. (Father Name Not Complete Mentioned
In Order Dated 16-11-2015).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kusmi, District
Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For applicant - Shri A.K. Yadav, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/03/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 16/11/2015 on merits.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 51/2014 registered in Police Station Kusmi, District Balrampur-Ramanujganj C.G. Police and Revenue District Balrampur, Civil District Surguja for offence punishable under sections 450, 506B, 366, 376 D of IPC.
3. Learned counsel for the applicant submits that the prosecutrix has been examined and she has not narrated anything against this applicant, therefore she has turned hostile and the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. I have perused the statement of the prosecutrix who was examined as PW-4. In para-4 of her statement she has stated that while rape was being committed applicant was present there and further in para 7 she

has stated that she has entered into compromise with the family members of the applicant and further has stated that applicant has not committed anything. All this statement of the prosecutrix are to be examined along with the statement of other witnesses. Even the appreciation of statement of the prosecutrix cannot be stated by pick and chose while adjudication of the bail. Considering the fact and statement of the prosecutrix, this court is not inclined to release the applicant on bail.

6. Accordingly, the second bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE