

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1990 of 2016

1. Mohammad Ajaj S/O Mohammad Israil Khan Aged About 24 Years R/O At Mohadapara Gali No. 2 P.S. Mohadapara Raipur Rev. And Civil Distt. Raipur Chhattisgarh.

2. Mohammad Faiz S/O Late Tanveer Mohammad Aged About 30 Years R/O. M.G. Road Dr. Birdi Gali Mohadapara P.S. Mohadapara Raipur Rev. And Civil District Raipur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For applicants - Shri P.K. Tulsiyan, Advocate.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2016

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed as withdrawn on 17/11/2015 with liberty to move again after charge sheet is filed. Subsequently, when charge sheet was filed second bail application was again moved and the same was dismissed as withdrawn on 13/01/2016.

2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 601/2015 registered in Police Station Civil Line, District Bilaspur (C.G.) for offence punishable under sections 363, 365, 366 (A), 370, 370 (A) and 376 (D) of IPC and u/s 5 (g), 6 of the Protection of Children from Sexual Offences Act, 2012 and 3 (1) (12) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Perusal of the order sheet dated 13/01/2016 would show that no

liberty was reserved in favour of the applicant to move bail application again after prosecutrix is examined.

4. Learned counsel for the applicants submits that now prosecutrix has been examined, she has not supported the case of the prosecution.

5. Be that as it may, the fact of withdrawal of bail application on 13/01/2016 was without any liberty to move bail application again, therefore this court cannot sit in court of trial to evaluate the evidence of the prosecutrix when no such liberty was reserved while withdrawal of bail application on 13/01/2016.

6. Accordingly, I am not inclined to allow this third bail application and it is dismissed. However, trial court is requested to expedite the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE