COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 2322 /2016

Pushkar Yadav, S/o. Veer Singh Yadav, Aged About 22 Years, R/o. Village Amad, Post Office & Police Station- Payalikhand, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Payalikhand, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.04.2016

1. This is the second bail application. The first bail application was dismissed as withdrawn on 09.12.2015 with liberty to repeat the same after examination of the prosecutrix.

2. The instant second bail application is 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.11/2015 registered at Police Station– Payalikhand, District Gariyaband (C.G.) for the offence punishable under Section 376, 417 & 493 of Indian Penal Code and 3(1)(12) & 3(2)(5) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the prosecutrix by giving false assurance of marriage for last three years.

4. Learned counsel for the applicant submits that the prosecutrix has been examined and therefore the second bail application. He

further submits that after going through the statement, no case is made out against this applicant, as the prosecutrix is stated to be aged about 22 years and with her consent, the physical relationship was made; therefore, under the circumstances, the applicant may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the prosecutrix. After perusal of the statement, the argument of learned counsel for the applicant cannot be appreciated at this stage. Evaluating the evidence is not called for while deciding this bail application, the same is left to the discretion of the trial Court, which is in the hold of the trial. Considering the statement, at this stage, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok