

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2945 of 2016

Shri Shailesh Kewat S/o Shri Chottu Kewat Aged About 24 Years
R/o Village Phokat Para Sarwamangala Road Korba, Police Thana-
Kotwali Korba, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station S.C. & S.T. Korba,
District Korba, Chhattisgarh

---- Respondent

For applicant - Shri Ashutosh Shukla, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/07/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 4/11/2015 with liberty to repeat the bail application after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 05/2015 registered in Police Station S.C and S.T Korba, Distt. Korba (C.G.) for offence punishable under sections 376 of Indian Penal Code and 3(2)(v), 3(1)(xii) Atrocity Act.
3. As per the prosecution case the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix in the year 2015 and thereafter she became pregnant and when the applicant was asked to perform marriage, it was refused by him, therefore the report was made and on investigation case is registered.
4. Learned counsel for the applicant submits that now the prosecutrix has been examined and he would submit that after evaluating the cross examination it would show that she was a consenting party and she was

major, applicant and the prosecutrix were living together, therefore considering the statement, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. I have perused the statement of the prosecutrix wherein lengthy cross examination and examination-in-chief has been made. Reading statement of the prosecutrix it is not proper to evaluate it and sit as a court of trial and decide the facts. Taking into lengthy cross examination which runs in 46 paras, at this stage considering the statement in chief I am not inclined to appreciate the evidence on cross examination, therefore this court is not inclined to release the applicant on bail.

7. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE