

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7313 of 2016

Channu @ Tuleshar Sahu, S/o. Harikishan Sahu, Aged About 24 Years,
R/o. Mahavir Ward- Bhatapara, Police Station City Kotwali, Bhatapara,
District Balodabazar – Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station City Kotwali Bhatapara,
District - Balodabazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Das, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.12.2016

1. This is the second bail application 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.113/2016 registered at Police Station- City Kotwali Bhatapara, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 342, 376, 506, 323 of Indian Penal Code and Section 17 & 4 of the Protection of Children from Sexual Offences Act. The first bail application was dismissed on merit on 14.09.2016 in MCRC No.5395 of 2016.
2. As per the prosecution case, a report was made by the victim on 05.07.2016 that the applicant on the pretext of marriage enticed away the minor girl from the lawful custody of her parents. Thereafter, committed sexual intercourse. It was subsequently known to the victim that the applicant is married, thereafter on objection the victim was assaulted and the report was made.

3. Learned counsel for the applicant would submit that the prosecutrix has been examined and she has not duly supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix. Considering the statement, it would not be proper to evaluate the statement of the prosecutrix by line to line, as in examination in chief, she has made a positive statement. It is for the Trial Court to consider the facts of this case after evaluating the entire evidence. Considering the same, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge