

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7816 of 2016

Amanuddin Ansari S/o Juldin Ansari Aged About 21 Years R/o
Vijaynagar, Police Station- Ramanujganj, Civil District- Surguja,
Revenue District- Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- The Police Station- House Officer-
Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For applicant - Shri A.N. Pandey, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/12/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 8/07/2016 vide M.Cr.C. No.3402 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.24/2016 registered in Police Station Ramanujganj Distt. Balrampur Ramanujganj (CG) for offence punishable under sections 363, 366, 376 (d), 392/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 17/03/2016, the prosecutrix while was standing on the road as she went to fetch medicine for her mother at that time, the applicant alongwith other co-accused came with Tata Magic vehicle and the prosecutrix was taken in such vehicle to some lonely place, thereafter both the applicant and other co-accused committed forcefull intercourse. Thereafter, the applicant snatched the mobile and fled away. Thereby the offence has been committed.
4. Learned counsel for the applicant submits that the prosecutrix has been examined before the court and she has not supported the case of the prosecution whereas the statement would reveal that she was a

consenting party and the applicant has been arrested on 18/03/2016, therefore the applicant may be released on bail.

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

6. Considering the statement of the prosecutrix, it would be proper if the matter is left open for the trial court to draw inference when on earlier stage bail application has been dismissed on merits. Therefore, it would not be proper while hearing the bail to adjudicate the case by usurping power of the trial court.

7. Accordingly, I am not inclined to re-consider this second bail application and it is dismissed. However, learned trial court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE