

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4378 of 2017

- Yashwant @ Monu Thakur, S/o Santosh Singh, Aged About 25 Years, R/o Block Colony, Masturi, District - Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Smt. Seema Singh, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 17-02-2016 in connection with Crime No.118/2016 registered at P.S. Civil Line, Bilaspur, District Bilaspur, C.G. for the offence under Section 366, 376 (1), 506, 365, 343 of the IPC and Section 3(1)(xii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 04 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. In the trial that is going on before the trial Court no direct statement has been given by any of the witnesses against him. The statement of the prosecutrix (PW-3) is also full of contradictions and omissions and her statement is not believable. Therefore, for these reasons, the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that bail application of co-

accused Siddhanath @ Tantan and Ashish @ Ashu Tiwari was presented before this Court which has been rejected by the coordinate Bench. It is submitted that the prosecutrix (PW-3) has made categorical statement against the applicant that he was one of the persons who has committed offence of rape. Hence, under these circumstances, the applicant is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary and the documents on record.

5. This is not a stage in which the evidence before the trial Court should be evaluated for the purpose of grant of bail. The statement of the witnesses that has been recorded before the trial Court has to be scrutinized, analyzed and evaluated by the trial Court at the stage of passing final judgment in the case. Hence, for these reasons the grounds for which this bail application is filed cannot be entertained. Consequently, the application (MCRC No.4378/2017) is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge