

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 282 of 2017

Tilak Ram Verma S/o Shri Gautam Verma, Aged About 24 Years
R/o Azad Chauk, Ward No. 8, Ghumka, District Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Ghumka, District
Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant - Shri Anjinesh Shukla, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

31/01/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 14/09/2016 vide M.Cr.C. No.4939/2016 with liberty to repeat the same after examination of the prosecutrix.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.78/2016 registered in Police Station Ghumka for offence punishable under section 376 of Indian Penal Code & Section 4 & 6 of POCSO Act.
3. As per the prosecution case, the applicant on the pretext of marriage in January 2016 enticed away the minor girl and committed forcible sexual intercourse.
4. Learned counsel for the applicant submits that now the prosecutrix has been examined and reading statement in entirety it would show that she was a consenting party, therefore the applicant who is in jail since 13/07/2016 may be enlarged on bail.

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

6. Considering only statement of the prosecutrix at this stage it would not be proper for this court to evaluate the entire case of the prosecution as it would amount to adjudication of the trial. Considering the fact in totality, I am not inclined to give any opinion to entertain this second bail at this stage.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE