

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1549 of 2017

Daniram Balendra S/o Maansingh Balendra, Aged About 19 Years
Caste Halba, R/o Village Gudum, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Doundi, District Balod, Chhattisgarh.

---- Respondent

For applicant - Shri B.P. Singh, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/03/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 7/09/2016 vide M.Cr.C. No.5329/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.89/2016 registered in Police Station Doundi, District-Balod (C.G.) for offence punishable under sections 363, 366(A), 376, 417 of Indian Penal Code and Section 4, 5(२), 6 of Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, a report was made by one Santram on 30/05/2016 that his daughter is missing. Subsequently, the girl was recovered on 5/06/2016 and on investigation it revealed that the applicant enticed away the girl and thereafter took her to different places and committed sexual intercourse.
4. Learned counsel for the applicant submits that the prosecutrix has been examined and the cross examination would reveal that nothing has been done by the applicant, therefore the applicant may be released on

bail.

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

6. Perused the statement of the prosecutrix. In the examination in chief positive statement have been made while in cross examination denial is made. Therefore, taking into such fact it will not be proper for this court by evaluating the statement it would amount to usurping power of the trial court. It is for the trial court to decide the case in its entirety after all the evidence are placed before it. This court do not wish to enter into merit of this case to adjudicate as that of trial court. Therefore, this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE