

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1551 of 2017

Chandraprakash @ Gothu, S/o. Milram Patel, Aged About 50 Years, R/o. Village Sunsuniya, Police Outpost- Lawan, Thana- Kasdol, District Baloda Bazar- Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Kasdol, Police Outpost- Lawan, Civil & Revenue District Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. Sanjeev Das, Advocate.

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.03.2017

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.143 of 2016 registered at Police Station- Kasdol, Police Outpost- Lawan, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 458 & 376(2)(L) of Indian Penal Code. The first bail application was dismissed on merit on 23.08.2016 in MCRC No.4853 of 2016.
2. Learned counsel for the applicant submits that till date the prosecutrix has not been examined, therefore, the second bail application may be considered.
3. Perused the earlier order dated 23.08.2016, which was dismissed on merit. Considering the same, I do not find any change of circumstances to reconsider this second bail application on the ground that the prosecutrix has not been examined, as the prosecutrix is shown to be mentally retarded in the earlier dismissal order.
4. Accordingly, the bail application is dismissed at the admission stage itself.