

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2084 of 2017

1. Vikram Jatwar, S/o. Karmaha Jatwar, Aged About 19 Years, R/o. Toto Ram Nagar, Police Station -Bilaigarh, Chowki -Bhatgaon, District (Revenue & Civil) Baloda Bazar- Bhatapara, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : S.H.O. Bilaigarh, District (Revenue & Civil) Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Das, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/03/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.187/2016, registered at Police Station – Bilaigarh, District – Balodabazar- Bhatapara (C.G.) for the offence punishable under Section 306, 354 of Indian Penal Code and Section 10 of Protection of Children from Sexual Offence Act. The first bail application was dismissed on merits vide order dated 15.09.2016 in M.Cr.C. No.5423/2016.
2. Case of the prosecution, in brief, is that one Sanju Sarthi committed suicide by hanging on 18.05.2016. When the matter was investigated further it revealed that the applicant has committed sexual assault on the deceased, therefore, she committed suicide. Thereby the offence

has been committed.

3. Learned counsel for the applicant would submit that out of 19 witnesses, 9 witnesses have been examined and the applicant is in jail since 14.06.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the earlier rejection order. The earlier bail application was dismissed on merit and only because of that 9 witnesses have been examined and nothing has been placed before this Court, this Court can not usurp the power of trial Court by adjudicating the bail by giving the finding. Considering the facts of this case no change of circumstances appears to reconsider the bail application again.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge