

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2236 of 2017

Suresh Sahu, S/o. Shri Bhaiyalal Sahu, aged about 23 years, Occupation- Agriculturist, R/o. Village-Biniya Chauki, Kedma, P.S. - Udaipur, Sarguja, Civil and Revenue District – Sarguja (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer, Police Station – Ajak, Ambikapur, Civil & Revenue District – Sarguja (C.G.)

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. O. P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/04/2017

1. This is the third 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.13/2015, registered at Police Station – Ajak, Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 306 Indian Penal Code read with Section (2) (V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The first bail application was dismissed on merits vide order dated 27.01.2016 in M.Cr.C. No.187/2016 and the second bail application was dismissed on 13.07.2016 in M.Cr.C. No.3590/2016.
2. As per the prosecution case, on 18.03.2015 Ku. Pawaro Majhwar committed suicide by consuming poison. It is alleged that before 3 years of the incident, the applicant committed forcible rape with the victim and he was arrested and subsequently after release on bail, he

came back and started torturing the prosecutrix and used to come to the house of prosecutrix after consuming liquor. Consequently, she committed suicide by poison.

3. Learned counsel for the applicant would submit that father of the deceased Dilbodh has been examined and earlier bail was rejected considering the statement of the father of the deceased and since the father of the deceased has been examined and has not supported the case of the prosecution, 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 the learned counsel for the parties.
6. Perused the statement of the father, wherein in examination-in-chief, certain facts have been narrated and thereafter he was declared hostile and certain statements were partly admitted and partly denied, therefore, at this stage, it would not be proper for this Court to evaluate the entire evidence on merits and usurp the power of the trial Court while deciding the bail and it is for the trial Court to adjudicate the case and evaluate the statement of the witnesses after considering the entire evidence before it. By simply picking up few lines of the statement of the witnesses no opinion can be formed. Taking into such fact I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge