

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3629 of 2017

Indrajeet Thakur, S/o. Mudhar Thakur, Aged About 35 Years, R/o. Gram - Mohpur, Police Station- Kanker, District: Uttar Baster- Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Kanker, District - Uttar-Baster Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anurag Dayal Shrivastava, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.05.2017

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. 289/2015 registered at Police Station- Kanker, Distt. Uttar Bastar Kanker (C.G.) for the offence punishable under Section 377/511, 506-B of Indian Penal Code and Section 4, 6 and 21(2) of the Protection of Children from Sexual Offence Act, 2012. The first bail application was dismissed on merit on 04.11.2015 in MCRC No. 5886 of 2015.
2. As per the prosecution case, the applicant who is working in the Kendriya Vidyalay committed unnatural intercourse with a boy who was a student of aged about 7 years. Thereafter, on report having been made, the matter is being investigated and the applicant has been arrested.

3. Learned counsel for the applicant would submit that four witnesses have been examined and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and taking into the nature of allegation and the fact that the earlier bail order was dismissed on merit, at this stage, it will not proper for this Court to go into the merit of this case to discharge as otherwise it would amount to usurp the power of the trial Court and adjudicate the case on merit while hearing the bail application. Considering the same, I am not inclined to entertain this second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed. However, the trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge