

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4184 of 2017

- Sumeet John S/o Devnath John, Aged About 19 Years R/o Village And Tahsil Mohtara, Police Station Gidhowri Tundra, District Balodabazar-Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gidhowri Tundra, District Balodabazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Petitioner : Shri G. R. Miri with Shri Basant Kaiwartya, Advocates
For Respondent/State: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.170/2016 registered at Police Station Gidhowri Tundra, District Balodabazar Bhatapara for the offence punishable under Section 363, 366, & 376/34 of IPC and Section 4 & 18 of the Prevention of Sexual Offences Act, 2012.

3. This is second application for grant of bail. Earlier bail application was rejected on merits.

4. Learned counsel for the applicant submits that now the prosecutrix has been examined in the Court, but her evidence does not inspire confidence and it clearly reflects that the applicant and the prosecutrix were in affair. He next submitted that the statement of the prosecutrix is exaggerated with regard to forcible intercourse.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that at present, the trial is not complete and looking to the nature and gravity of allegation against the applicant, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, at this stage, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E