

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4662 of 2017**

- Domanlal Yadav S/o Heeraman Yadav Aged About 24 Years Caste Rawat, R/o Village Aawaspara, Panduka Post Office & Police Station Panduka, District Gariyaband Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Panduka, District Gariyaband Chhattisgarh

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent -State	:	Shri Anupam Dubey, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/07/2017**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.10/2017, registered in Police Station Panduka, District Gariyaband for offence under Sections 376 & 506 (B) of IPC (as per charge sheet) and Sections 376 (2) & 506 Part II of IPC (Framing the charge by the trial Court).
2. This is the Second Bail Application under Section 439 of Cr.P.C. The first bail application was dismissed as withdrawn on 21.03.2017 with liberty to repeat the same after examination of the prosecutrix.
3. As per the prosecution case, the report was made by the victim that the applicant on the pretext of marriage has committed sexual intercourse and thereafter refused to marry.
4. Learned counsel for the applicant submits that this is the second bail

application. The first bail application was dismissed as withdrawn with liberty to move again after examination of the prosecutrix, now the prosecutrix has been examined, therefore, he has moved this repeat bail application.

5. Statement of the prosecutrix in respect of allegation of commission of rape has to be considered by the Court below. It is not a case that the prosecutrix has not stated any thing in her statement. At this stage the case can be adjudicated by the trial Court after evaluating the entire evidence. Taking into such statement, I am not inclined to decide the case on merits as it may prejudice the right of the parties. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu