

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5048 of 2017

Rekhchand, S/o. Balkrishna Banote, Aged About 32 Years, R/o. Railway Colony, Ward No.06, Police Station Dongargarh, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station Ambagarh Chowki, Civil & Revenue District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Verma, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.08.2017

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.174/2016 registered at Police Station- Ambagarh Chowki, District Rajnandgaon (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code. The first bail application was dismissed as withdrawn on 28.02.2017 with liberty to repeat the same after examination of the prosecutrix.
2. As per the prosecution case, a report was made by the victim that while she was working as Computer Operator, the applicant on the pretext of marriage, that he is going to divorce with his wife, has committed sexual intercourse with her. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 28.02.2017 with liberty to repeat the same after

examination of the prosecutrix and now the prosecutrix has been examined and nothing has been stated as to forceful sexual intercourse was committed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim PW-5. Considering the same, it would not be proper for this Court to evaluate the statement by picking up few of the lines and give a finding while hearing the bail application, as it would amount to usurp the power of the trial Court. Prima facie, allegations have been attributed, therefore, I am not inclined to entertained the instant second bail application.
6. Accordingly, the second bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge