

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6358 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.1, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.74 of 2017 on the file of the Station House Officer, S.S. Tadvai Police Station, Jayashankar District, registered for the offences punishable under Sections 366, 376(D) and 506 of IPC.

2. The learned counsel for the petitioner submitted that the Investigating Agency has completed the entire investigation. He further submitted that the petitioner was falsely implicated in this case; therefore, it is a fit case to grant bail to the petitioner. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the investigation is in progress. He further submitted that in the previous bail application filed by the petitioner, this court considered all the points raised by the learned counsel for the petitioner and dismissed the same vide order dated 11.7.2017. He also submitted that there is no change of circumstances from the date of dismissal of the previous bail petition; therefore, the criminal petition is liable to be dismissed.

3. The facts leading to filing of the present petition are briefly as follows: On 09.6.2017, when the *de facto* complainant was proceeding in Tadvai Forest Area, the petitioner along with other accused had forcibly taken her to the deep forest and committed rape on her. Basing on the complaint lodged by the *de facto* complainant, the Station House Officer, Tadvai Police Station registered a case in Crime No.74 of 2017 for the offences

punishable under Sections 366, 376(D) and 506 of IPC. In the previous bail petition vide Criminal Petition No.5403 of 2017 filed by the petitioner, this court has considered all the points urged by the learned counsel for the petitioner and dismissed the same on 11.7.2017.

4. The learned counsel for the petitioner submitted that the investigation is completed whereas the learned Additional Public Prosecutor, on instructions, submitted that the investigation is not completed and the Investigating Agency has to receive the Analyst report. He further submitted that the Investigating Agency is intending to record the statement of the victim under Section 164 Cr.P.C. The fact remains that the investigation is yet to be completed. There are no changed circumstances from 11.7.2017 i.e., the date of dismissal of Criminal Petition No.5403 of 2017 till today.

5. Having regard to the facts and circumstances of the case and also the nature of the offences alleged to have been committed by the petitioner, I am of the considered view that it is not a fit case to grant bail, at this point of time.

6. Hence, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 01, 2017
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