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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1889 of 2018**

Vikash Chandra, S/o. Shri Narendra Kumar, Aged About 30 Years, R/o- Village Kanjia, Police Station Kusmi, District Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Kusmi, Civil And Revenue District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. D. Kushwaha, Advocate
For State/respondent	: Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**01/05/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.43/2017, registered at Police Station – Kusmi, District – Balrampur- Ramanujganj (C.G.), for the offence punishable under Section 376 (2) (n) of the Indian Penal Code. The first bail application of the applicant has been rejected on merit vide order dated 11.10.2017 in M.Cr.C. No.5928/2017.
2. It is submitted by the learned counsel for the applicant that circumstances have been changed in favour of the applicant. The prosecutrix in this case have been examined before the trial Court, in which in the cross-examination, she has made statement in favour of the applicant, hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that in her examination-in-chief, the prosecutrix has fully supported the case of the prosecution and thereafter, she has made some admission in support of the applicant. In this case, the Court has itself examined the prosecutrix and the statement needs to be analyzed and scrutinized by the Court, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The earlier bail application of this applicant has been rejected on merit by the Coordinate Bench of this Court. The development that has been relied upon by the applicant does not exonerate the applicant from the crime committed by him at this stage, unless the statement given by the prosecutrix is scrutinized and analyzed and specific finding is given by the trial Court. Hence, for this reason, I do not find any change in circumstances in this case, therefore, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge