

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 3101 of 2018

(Arising out of Crime No. 348 of 2017 registered at P.S. Torwa, Civil & Revenue Distt. Bilaspur (C.G) for the offence punishable u/s 376 of IPC and sections 3 & 4 of the POCSO Act (As per the Charge sheet section 4 & 6 of the POCSO Act)

Sangam Malik S/o Sunil Kumar Malik Aged About 26 Years R/o Behind The Mohan Building Shankar Nagar, Police Station Torwa, Bilaspur, District Bilaspur, Chhattisgarh.

--- **Petitioner**

Versus

State of Chhattisgarh through its Police Station Torwa, Civil & Revenue District Bilaspur, Chhattisgarh.

--- **Respondent**

09.07.2018	Mr. Ravi Maheshwari, counsel for the applicant. State by Mr. Wasim Miyan, P.L. This is first bail application filed u/s 439 of the Code of Criminal Procedure. As per the prosecution case, on 09.10.2017 a report was made by the prosecutrix who was minor that on the pretext of marriage, she was subjected sexual exploitation. Learned counsel for the applicant submits that the prosecutrix has been examined and the statement would show that she was a consenting party, therefore, the applicant may be enlarged on bail at this stage. Per contra, learned State Counsel opposes the bail application. While hearing the bail application, this Court cannot give a finding by merely assessing the statement of prosecutrix for consideration of bail as it would amount to usurping the power of trial Court. It is for the trial Court to adjudicate and give a	

Rao	finding after evaluating the evidence of prosecutrix as well as the evidence of other witnesses. Therefore, for the aforesaid reason, I am not inclined to allow this bail application at the belated stage to frustrate the trial. Accordingly, the bail application is rejected. Sd/- GOUTAM BHADURI JUDGE	
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