

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 4875 of 2018

(Arising out of Crime No.146/2017 registered at P.S. Arang District Raipur, Chhattisgarh, for the offence punishable u/s 376 of IPC)

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Dwarika Sahu S/o Budhram Sahu Aged About 48 Years R/o Village Amodi, P.S. Arang,
District Raipur, Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police Station Arang, District
Raipur, Chhattisgarh. **--- Respondent**

11.07.2018	Mr. C.R.Sahu, counsel for the applicant. State by Mr. Sangharsh Pandey, Panel Lawyer. This is third bail application. The first bail application was dismissed as withdrawn on 20.11.2017 with liberty to move application after examination of the prosecutrix. The second one was dismissed on 25.01.2018 wherein this Court taking into consideration the statement of prosecutrix in which positive allegations have been made against the applicant has opined that it is for the trial Court to adjudicate the same after evaluating the entire evidence on record and accordingly the prayer was rejected. Learned counsel for the applicant submits that now this bail application is on the ground that the FSL report has come which depicts the absence of spermatozoa, therefore, the statement of the prosecutrix cannot be given credence and applicant may be enlarged on bail. At this stage, it will not be appropriate for this Court to give a finding for reconsideration of bail touching the trial as	

Rao	it will amount to usurping the power of trial Court. It is for the trial Court to adjudicate the same after evaluating the entire facts and evidence on record. Therefore, I do not find any change of circumstances to reconsider the bail. Accordingly, it is rejected. Sd/- GOUTAM BHADURI JUDGE	
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