

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6358 of 2018**

- Maheshwar @ Natwar Nishad S/o Vishwanath Nishad Aged About 20 Years
R/o- Achholi, Near Jaitkhambh, Police Station- Urla, District- Raipur,
Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Urla,
District- Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri CR Sahu, Advocate
For Respondent/State	:	Shri DR Minj, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/09/2018**

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 on 11.07.2017 in connection with Crime No.154/2017 registered at Police Station Urla, District Raipur (CG) for the offence punishable under Sections 354, 323, 506, 34 & 376 IPC and Sections 3 (1) (b) (I) (II), 3 (2) (v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The First Bail Application bearing M.Cr.C. No.3150/2018 was dismissed as withdrawn with liberty to repeat after examination of the prosecutrix on 26.06.2018.

3. As per the prosecution case, the present applicant along with the other co-accused has committed forceful rape with the prosecutrix on 13.06.2017.
4. Learned counsel for the applicant submits that the prosecutrix has been examined and she was a consenting party and the perusal of her statement would demonstrate this fact, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix. After going through the statement, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu