

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6724 of 2018

Manoj Kumar Chandane S/o Jagat Ram Chandane Aged About 33 Years R/o Village Haransinghi, P.S.- Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Pulgaon, District- Durg, Chhattisgarh.

---- Respondent

For applicant - Shri Rakesh Pandey, Advocate.
For Respondent/State –Shri Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/09/2018

1. This is second bail application under section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 6/12/2017 vide M.Cr.C. No.6652 of 2017 with liberty to repeat the same after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.266/2017 registered in Police Station Pulgaon, District Durg (C.G.) for offence punishable under sections 376, 506 of IPC and section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, the applicant who is uncle of prosecutrix has committed forceful rape with her on different occasions. Thereafter, FIR was lodged.
4. Learned counsel for the applicant submits that incident was out of monetary transaction and false allegations have been made, therefore the applicant may be released on bail.
5. Learned State counsel opposes the prayer for grant of bail.

6. Earlier bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix. It appears that now the prosecutrix has been examined. Learned counsel though advanced argument of consent, however it cannot be appreciated in this bail application. It is to be appreciated by the trial court while adjudicating the entire case on merits after evaluating the evidence. Considering the same, I am not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE