

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7405 of 2018

Tilak Rajak, S/o. Punnu Ram Rajak, Aged About 40 Years, R/o. Village Devri, Police Station Bhatapara, Rural, District (Revenue & Civil) Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Bhatapara, Rural, District (Revenue & Civil) Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Das, Advocate

For Respondent : Mr. D.R.Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.10.2018

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 in connection with Crime No.379/2017 registered at Police Station- Bhatapara Rural, District (Revenue & Civil) – Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 376D, 506, 34 of Indian Penal Code and Section 04, 06 of the POCSO Act. The first bail application was dismissed as withdrawn on 20.04.2018 with liberty to repeat the same after examination of the prosecutrix.
2. As per the prosecution case, the applicant along-with other co-accused has committed forceful sexual intercourse with the victim on 28.09.2017.
3. Learned counsel for the applicant would submit that the first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix and now the prosecutrix

has been examined. He went through the statement of the prosecutrix and submits that the cross-examination would show that no offence is made out, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim. Considering the same, at this stage, it would not be proper for this Court to evaluate the statement by reading in between the lines, as it will amount to usurp the power of the trial Court while hearing the bail application. It is for the trial Court to adjudicate the same when the other evidences are placed before it. In view of this, I am not inclined to entertain this second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge