

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8880 of 2018**

Sitaram Tandan S/o Sunit Ram Tandan Aged About 28 Years R/o Village Katgaon Chowki Birejher ,police Station Kurud ,district Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Station Kurud ,district Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjeev Sahu, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/12/2018**

1. This is the Second Bail application under Section 439 of the CrPC.
2. First bail application is dismissed on merits on 30/08/2018.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.304/2018 registered at Police Station Kurud, District Dhamtari (C.G.) for the offence punishable under Section 376 of IPC.
4. Case of the prosecution, in brief is that prosecutrix is 50 years old and resident of village Kotgaon. On 07/07/2018 near about 4:30 pm near Kulhadi Turn applicant forcibly pressed her breast and inserted his fingers in her vagina.
5. Learned counsel for the applicant drew my attention on some paragraphs of certified copy of the statement of the prosecutrix which is a part of the bail application.
6. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
8. There is no change in the circumstances, this Court is not inclined to grant bail under Section 439 of CrPC to the applicant.
9. Accordingly, second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
 Judge