

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 500 of 2019

Dipesh Rathor, S/o. Makhanlal Rathod, Aged About 18 Years, R/o. Durpa,
Police Station Baradwar, District Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Baradwar, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent : Mr. R.K.Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2019

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. 128/2018 registered at Police Station- Baradwar, District Janjgir- Champa (C.G.) for the offence punishable under Section 363, 366, 376(घ)/34 of Indian Penal Code, Section 6 of POCSO Act & Section 3(1-12), 3(2)(5) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. The first bail application was dismissed as withdrawn on 30.10.2018 with liberty to repeat the same after examination of the prosecutrix.
2. Case of the prosecution, in brief, is that on 12.05.2018 a report was made by the prosecutrix that she was subjected to gang-rape, thereafter, few of the boys prepared a video and on that basis the other boys also started exploiting her sexually over a period of time and the present applicant was also one of them.

3. Learned counsel for the applicant would submit that the accused are minors and the earlier bail application was dismissed as withdrawn on 30.10.2018 with liberty to repeat the same after examination of the prosecutrix and the prosecutrix has been examined, she has not identified the present applicant; 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 prosecutrix. Detailed and positive statement has been made. At this stage, it would not be proper for this Court to evaluate the entire evidence while deciding the bail application. It is for the trial Court to examine the same alongwith other facts which would be on record. Considering the statement of the prosecutrix, I am not inclined to entertain this bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge