

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1281 of 2019**

Gyanchand @ Chhotu Bharti S/o Sabunath Bharti Aged About 18 Years
R/o Village- Balangi, Police Station- Raghunathnagar, District-
Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Outpost-
Balangi, Police Station- Raghunathnagar, District- Balrampur-
Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/03/2019**

1. This is the second bail application under Section 439 of the CrPC.
2. Earlier first bail application was dismissed on merits by this Court in MCRC No.5833 of 2018 on 31/08/2018.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.15/2018 registered at Police Station Raghunathnagar, District Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 376 (D), 450, 506/34 of IPC.
4. Case of the prosecution, in brief is that prosecutrix is about 30 years old. She is resident of village Chetwa. On 29/03/2018 at about 8 p.m. applicant, co-accused Raju Kumar, Mukesh entered in her hut, they pressed her mouth gave threats to kill, applicant and co-accused committed forcible sexual intercourse with her one by one.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Counsel for the applicant further drew my attention on the certified copy of statement in para 14 of prosecutrix.

8. In para 1 of the said statements she has stated against the applicant and other co-accused. It cannot be said that she is total hostile witness. At this stage this Court cannot appreciate the evidence. What would be the effect of para 14 of said witness would be decided by the trial court at the time of disposal of the case.
9. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the second bail application is rejected. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde