

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1177 of 2019**

Bhesan @ Santosh Vishwakarma S/o Mr. Hemlal Vishwakarma , R/o Village Mura, Police Station Kurud District Dhamtari (Wrongly Mentioned As Mahasamund In Order And Charge Sheet) Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Rakhi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Raza Ali, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06/03/2019**

1. This is the second bail application under Section 439 of the CrPC.
2. Earlier first bail application of the applicant was rejected by this Court on 04/12/2018 in MCRC No. 8156/2018 considering the prima facie face against the applicant.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.67/2018 registered at Police Station Rakhi, Raipur, District Raipur (C.G.) for the offence punishable under Section 376, 506-b, 323 of IPC.
4. Case of the prosecution, in brief is that on 21/04/2018 the prosecutrix was aged about 30 years old. She is a resident of village Shergaon. On 21/04/2018 at about 8:00 p.m. when she was returning back from barn, at that time, the applicant caught hold her hand and pressed her mouth and thereafter he committed sexual intercourse with her. Due to fear, she does not narrate the incident immediately.
5. Learned counsel for the applicant submits that applicant is in jail since 24/04/2018, he is only earning member, some witnesses have been examined and omissions and contradictions have been also dealt, thus applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. It is well settled law that while considering the bail application Court cannot touch the merits and demerits of the case. At this stage Court cannot scrutinize the evidence.
8. There is no change in the circumstance of the case on the strength of which the applicant is not entitled for grant of bail. According second bail application is rejected. However, trial Court is directed to expedite the trial and dispose of the case as early as possible.

Sd/-

(Sharad Kumar Gupta)
Judge